

The power of the circle growing wider

BY JUDY VAN RHIJN
For Law Times

Talking pieces, symbolic centerpieces, and opening rituals may sound like something out of an incense-filled prayer meeting, but they are finding a place in the resolution of the most modern disputes. The circle process is being taught and used among those who see that listening, and not just talking, is the key to resolving conflicts and building constructive ongoing relationships.

The modern form of the circle process has evolved out of the First Nation tradition of using sacred circles to solve community problems. It was developed adapted, concept in the mainstream justice system by Barry Stuart who spent 20 years as a judge in the Yukon.

Stuart has recently co-authored the book *Peacemaking Circles: From Crime to Community* with Kay Pranis and Mark Wedge, a book on circle philosophy and practice, published by Living Justice Press. It explains the structured parameters of the circle that allow spontaneous dynamics to develop.

In Toronto, the most prominent advocate of the process is Peacebuilders International (PBI), which has taken and adapted Stuart's learnings. Eva Marszewski is the founder and executive director of PBI. She was recently the recipient of the 2006 Law Society Medal and the YMCA 2006 Peace Medallion Award.

Although the circle process has evolved from aboriginal practices with spiritual significance, Marszewski has removed this aspect from the process.

"I don't use anything of religious significance like smudging or sacred eagle feather," she stresses. "It is too open to misunderstanding and it's inappropriate for me to use it. It's

like the white man taking over sacred practices."

The circle process involves gathering all the interested parties into a circle to discuss an issue. It is the facilitator's job to determine if the circle is an appropriate process and then make the circle safe and respectful.

"It's not a benign technology," says Toronto mediator and circle facilitator Joyce M. Young. "Victims can be re-victimized. You must know what to do when there's an upset."

The group gathers around a centerpiece that has some significance to the group. Often each participant is asked to add something, or the facilitator might ask for a specific contribution. When Young convened a meeting with an extended family that had not been in a room together for four years, she asked each person to bring two family photos for the centerpiece.

"When they came together the centerpiece was a visual record of their family history," says Young. "It was very powerful."

The process starts and ends with an opening statement, for which many facilitators use a reading, then the participants pass around a talking piece, which denotes who will be speaking.

"A talking piece completely shifts the usual pattern," says Marszewski. "If you get people to talk spontaneously, the conversation goes across the middle of the space. Apart from a round of introductions around a boardroom table, it is never in sequence. The most verbal people take charge, and the longer it goes on, the more entrenched it becomes that the talkers talk and the listeners listen.

Marszewski often uses a toy microphone.

"It makes a funny noise that people think is hilarious, but people are used to seeing people with a microphone have the floor.

For young guys I might use a basketball, and when young children are involved, I use a stuffed toy. For judges I use a so fancy pen. The fancier the better. Then they're all interested to see it and hold it."

This process is gaining acceptance after the notable success of a PBI pilot project with youth in Toronto's downtown St. Jamestown and Regent Park areas. Of 48 completed cases, 27 were resolved.

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Young instigated one circle process in a housing project at Regent Park, which started with the issue of garbage in the courtyard and quickly moved to drug dealers and gang-related violence. The circle involved tenants, staff, police, a private security firm, and a lawyer who attended on one occasion to explain legal rights. The process allowed the tenants to take control of their own living conditions.

Young is now training people in the building to facilitate the process.

Although circles have mostly been used for aboriginal and criminal justice issues, they are now being used in many other areas.

"It has a lot of application in schools, workplaces, organizations, families, and communities," says Young.

She uses different types of circles to suit the situation - sharing circles, problem solving circles, teaching circles, sentencing circles, and healing circles - finding them effective to open up lines of communication that have been closed, sometimes for years.

Young believes that the effectiveness of the process is due to "deep listening."

"People tend to speak very truthfully. The circle invites deeper conversation. It is more reflective and not defensive," she says. "People are affected by what they hear."

The most recent PBI initiative involving the circle process is the Youth Circles Project, which was launched on Feb. 28. It is a new youth justice diversion project focused on cross-cultural conflicts, bullying, and gang-related violence funded through the Youth Justice Renewal Fund of the federal Department of Justice.

It has jurisdiction to deal with matters covered by the Youth Criminal Justice Act and also authority under the Safe Schools Act to deal with suspension and expulsion.

The project aims to train 45 volunteer lawyers working *pro bono* as youth circle "keepers" and pair them up with 45 mental health workers and 45 other community members such as elders and victims or their representatives, who will help youth maneuver through the legal justice system. There is also a comparable program through the Canadian Mental Health Association in cases where there is a youth offence and a mental illness problem.

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