

Anti-authoritarian Approaches to Resolving and Transforming Conflict and Harm

<http://www.radio4all.net/index.php/program/26976>

From the 2007 NYC Anarchist Bookfair

[transcriber's note: introductions from all but the presenter have been omitted from the transcription, since Danielle is the primary speaker throughout the workshop. Comments from workshop participants are enclosed in brackets: < >]

I'm Danielle and I'm part of the New York Metro Alliance of Anarchists and [ROCA? Rock Dove?] and the newly named [transcriber's note: name of collective not understood] Collective which does consensus and facilitation trainings. And also part of a collective that's looking to buy some land upstate to create a radical retreat and organizing center that last week made agreements about how we're going to resolve conflicts when they arise, which just rocks my world.

My background is that I've done a lot of different types of mediation and I can talk about some of the differences between those. I negotiated a gang truce when I was in Atlanta. I've done a fair amount of circle processes as well, and should we talk about one process that's the one I'll probably say something about today. I've dealt with conflicts ranging from shit in my own life with people I know to community disputes of a couple hundred people. So, different ranges. And I'm interested particularly in thinking about which things should happen differently for different scales and then which things are maybe throughlines[?] that should happen no matter what the scale of the conflict and how the small ones and the large ones relate to each other. One of the things, too, for me that makes me very passionate about this is that every once in a while, I was talking to Matthew about this, I'll imagine what our world would look like if every movement we ever lost to internal conflict was still thriving. My sense is that we would be done, you know, like we'd be chillin' on a free and liberated beach somewhere. Like if you really think historically of all of the power that's been lost to not just things that come externally but from within. To my mind, we're at such an urgent moment for this planet that our ability to do this seems to me to be a matter of survival. Also, for all the talk of smashing the state, if we can't handle our own shit, A) We're not going to be okay after we smash it but B) We never really will because you don't destroy things that you're dependent on. There's a natural animal thing that happens that you won't get rid of something that you need to survive. So to my mind, it's really essential in moving toward a moment where we're less dependent on statist structures, but also in thinking about what we do after that moment. That's part of the whole creating a new world in the shell of the old, this to me is one of the most important aspects of it.

There's kind of a thing that people in conflict resolution communities, that they love, which is that the Chinese character for conflict – do any of you know this? – it's the same as the character for crisis, and it's a combination of the characters for danger and opportunity, which I think is really important. Partly because it being similar to crisis means something because a crisis is something that you deal with, you know, like you attend to it – whereas with conflict resolution is absolutely evaded as much as possible. But also, that sense of the balance of those two things seems to me very important because we're very aware of how it's dangerous.

So if you can take a moment and talk to people in your pairs and think of an opportunity you've had in your life. It can be anything, it can be like, "Oh, I got to go on a canoe trip," or "I got to go to Magical Disney World," and then think of dangers that were associated with that opportunity. So a canoe trip: "Oh, I risked bashing my head open on a rock." At Disney World: "I risked being indoctrinated into something destructive to me and my generation." Whatever it is. It can be something small like, "I had the opportunity to go to the corner and get a sandwich." It doesn't have to be – or it can be something that you really think of as a powerful opportunity in your life. Just share that with each other quickly.

...Is an opportunity to create a depth of connection that I don't really know any other way to create, except coming through that. To my mind, that's one of the things that's most serious about how the court systems are structured now and how conflict is managed. Which is that, if conflict has this binding opportunity, right, like it's got some force in it that can bring you closer to somebody, and it brings you in a strong connection, even if that's hate. Even if it's, "I'm gonna remember you forever because of how much I hate you," someone becomes more integral to you than they were before, no matter whether it's positive or negative. It's got this "coomph..." And what happens is that we're told in serious and violent conflict in particular that that's between us and the state. My relationship as the victim is with the District Attorney, and my investment is in him being as strong as he can be so that I'm as safe as I can be. The offender's relationship is with a defense attorney and then usually with a prison which is about as binding a relationship as you can get. So what happens is that all this transformative energy and all this binding energy get hijacked and transferred into something that strongly connects us to the state over and over and over again. So to my mind, that's one of the greatest thefts that the state ever commits against us because those are the things that I believe can connect us to each other but can also create a sufficient trust that we're willing to move forward together. That we believe we can resolve our own shit, and if we believe that then we believe we can do anything. And the number of people that are card-carrying anarchists and will still sometimes call the cops because they're at a loss. So think about that as something that is really essential and is consistently taken away from us over and over and over again, and that we're trained in that way from really early on. Some of this is about breaking that training as often as we can, so that that transformative energy... To my mind, a lot of our connection to the state comes through that. It comes through the hijacking or the theft of that specific energy. To think about breaking that, for me, is about taking a step back from that dependence and weaning ourselves off of it, and then doing that for other people also. Interrupting all those moments of hijack. Being like, "Actually, mm, *that's* mine." I've been both the victim and the offender in serious violent crimes; I have a long juvenile record and a long history of what happens if you're alone and a woman on your own. And in all of those, I didn't see no D.A. on the corner when any of

that shit was going down. It's not between me and some man in a suit, *ever*, so that interaction doesn't make any sense. That's part of what you see, if I go to court as a defendant, I can say anything at all and my aim is to get over, my aim is to not go to jail. I have zero investment in saying anything true, or real, or healing. I'm not gonna be like, "You know what, it's really important to me that you know that I know what I did to you is fucked up." Because that's ten years upstate for my ass; it's not worth it, and I don't owe *anything* to that judge. What do I owe to that judge? I don't owe you anything, who are you? I probably don't even know your name. And I certainly don't owe you a thing. I think people do have a strong sense of being obligated in some ways to people who they've harmed, and don't have a strong sense of being obligated to people who they haven't harmed. It creates this cycle where people who cause harm are trying to get out of it, are trying to get out of whatever consequence. Which is very reasonable and very right and very human. And where victims are trying to see them see consequences, even if they have no say in what those are, even if they have no say in the outcome, even if it doesn't directly benefit them in any way, or make them safer in any way, or help their healing in any way. Because they've been told, "The only way you're gonna heal is if he goes away." So they're like, "God I really want to heal, so I hope he goes away." Then he goes away and they're not healed. If you look at survivors of sexual assault ten years after the assault, and you compare women whose – these survivors only were women – whose assailants were caught and prosecuted and incarcerated, and women whose assailants were either not caught or not prosecuted or not incarcerated, you know so they didn't make it all the way, and you look at their mental health, the women whose assailants were put away do far far worse in terms of their experience of trauma, the residual symptoms, the way it continues to impact their life. And some of that is because they're told, "This shit's gonna work it out for you." And it doesn't. Whereas women in this other situation recognize that the thing they were told was gonna work it out is absent, so they find something else, just out of the necessity of surviving it. I think some of it that's really important is, thinking in terms of battling the prison-industrial complex, thinking about, obviously we know why it's bad for the offender because going to jail sucks. That's not complicated. But recognizing that it's equally damaging and destructive to the victims of serious and violent shit. I think it's really important for us to think about carving a way going forward that's more equitable, so it's not just about people not going to jail because it sucks for them. It's about the fact that that's harmful to communities and to the people who were originally harmed, and disempowering.

So what I would love to do is do a quick run-down of some of the shifts that I see in moving from something that's oriented around a criminal system to something that's differently oriented. I think that some of these even apply to how we handle shit in our personal lives, like how we handle conflict as it arises. Some of these are in this really awesome book called Peacemaking Circles: From Crime to Community, which is somewhere between a theoretical book and a practical guide to circles. It's really, really important, if you love these kinds of things. So she's talking specifically about circle processes and we can talk about that in a little more detail if you want to, later. But some of the main shifts that I think happen when you make this move:

One is a shift from coercion to healing, from making people do something and forcing them to, and relying on that force, to an orientation around healing everybody involved. One of the things that's interesting about circles is that they emerge naturally anywhere people don't have

a way of forcing a minority of people or an individual to do something. So you see consensus process in places where people can't force 49% of people to do anything, and so they *have* to reach consensus. It's not because they like it ideologically or because that's in their bylaws, but because if they don't, those 49% of people aren't going to do it. Because they're free. If you look at places where there aren't either a group of people or a way individuals can force other people to do something, you see processes like this evolve because you don't have a mechanism of coercion. To my mind, those communities are really important teachers for us. That's why I'm interested in a lot of what's happening in the autonomous communities in Chiapas with the Zapatistas – just like the question of, “Okay, we don't have prisons or police, and things go wrong, what happens next?” I think it's a really, really important question for us to be asking.

The next shift is from a focus on the individual responsibility or accountability to individual *and* collective responsibility. That means understanding that harm doesn't come out of nothing. It's not like someone woke up one morning evil, and is like, “Oh, today I'm gonna be evil.” Recognizing the way our communities create the situations that then cause people to cause harm. If you talk to violent people who are doing time for violent offenses in prisons, virtually 100% are survivors of violence. That's just real. Virtual *all* people who commit childhood sexual abuse are survivors of childhood sexual abuse. Like 9 out of 10. So we're not talking about harm that just arises out of some seed of evil in someone's soul, or whatever, or some will that day, or some arbitrary thing. We're talking about cycles. It's about recognizing that.

The next shift is from a primary reliance on the state to self-reliance within the community, which we sort of talked about. Which is about being able to work things out without an oppressive and coercive structure that has guns.

Next is going from the idea of justice as getting even to justice as getting well. What that means, in terms of what you would look for in an outcome – like if you think about, say you're on a hiking trip and you're way up in a mountain and you're with one other person. Like Matthew and I are walking, and I think it would be funny to trip him and I trip him, and he breaks his leg. I can do two things for him at that stage. One, I can bind the wound and leave him my water and run to go get help. Or two, I can break my own leg. And that second option is like, “Yo, that was dead wrong of me. I'm sorry. Let me do something equal and opposite to it to make it up.” My sense is – not out of compassion for me, or understanding of the harm I may have suffered, or our fellow humanity, or any of that – out of very simple self-interest, I don't imagine Matthew would choose my leg-breaking. Even if he's sort of, “I wish you *did* have a broken leg.” But he would send me down the mountain and take my water. One of those is getting even, it's like “Okay, yeah, Matthew's gonna break my leg right now.” And getting well is not just about generosity, it's about self-interest for the person who's harmed. I think that's a really, really important shift in terms of how we think about why we're gonna do something other than something aggressive.

The next is from disruption to continuity, from something that causes a break in relationships. That means both understanding how the past impacts the future – things like cycles and

patterns – but also an investment in going forward together that's also connected to the will to isolate people who commit conflict instead of to engage them more fully.

Which is the next one, which is to move from an instinct toward banishment to an instinct toward reintegration. So like prisons are like, "Phew, someone's bad so send them away." There ain't no such thing as "away." Away is somewhere else, and there are other people there who will experience harm, too. So if you want to say "send them upstate," or you're like "send them to a place with other people who have committed harm so that they can all experience degradation and dehumanization and alienation" – I'd be like, "You know what, that's okay, because at least you're being honest about what we're talking about." Putting somebody "away?" There's sort of this "not in my backyard" style of conflict. We want people who are harmful to be *gone*, but they're not gone, they're somewhere else. So thinking about reintegrating them and bringing them back. We do that a lot in our communities, like I've been in a lot of collectives and progressive communities, and when someone acts wrong we send them out. Which is cool for us and really irresponsible to anybody else in the world, where we're sending them.

The next is from passivity to participation. From getting something done for you to participating in the outcome.

Connected to that is from representation to direct involvement. So from lawyers and judges to the people directly impacted by something having a say in what happens, in the outcome of it.

That's connected to: move away from professionalism, too. Like the idea that there are people who know how to do this and that they're the ones who have to and that nobody else can.

Then the last is from obedience to inclusion. That's the difference between rules and agreements. I was talking about circle processes with someone who had tried one with a group of kids, and she was like, "None of them would follow the rules, because they signed them and someone else was talking." And you're like, it's not a rule, it's an agreement. They don't *have* to stay silent. They know that. They can talk; they'll show you. Straight up they will prove it to you, easily. If it's an agreement, then they're entering into it from a place of power. The reason you enter into an agreement is because you *could* do the alternative. So I wouldn't be like, "Okay, I need everybody to make an agreement with me today not to fly." Because my understanding is that probably you can't, so we don't really need to say that. When you ask someone, you invite someone to make an agreement, you're acknowledging their power to do otherwise and allowing them to make an active and empowered choice to do something different with that power. So, trying to shift that.

<Question: But in the instance with the kids who would not stop talking, is that just a matter of presentation, how you present the concepts?>

I think that's a lot of it. And it's also about being willing to – deciding which of your agreements are essential to the process and which ones aren't. Every process I'm a part of has different ground rules. There are some that are uniform throughout all of them because I think they're really important. The only way they agree to it is if I can articulate why they're important enough that other people think it's a good idea. I won't ever engage in a mediation where someone is

obeying a rule. I mean, I'll do it if someone is giving me the benefit of the doubt, if they're like, "Yeah, I dunno if that's gonna work but I'll try it." That's fine because that's a tentative agreement. But I won't be like, "You're not allowed to talk right now." "You agreed not to talk right now" is really different. It's the same way if somebody says "Don't" or "Please don't" to you. If someone's like, "Don't sit there," you're like, "Ha ha, I'm gonna sit my ass down." If you say, "Could you please not sit here because somebody else picked this seat," you're not gonna sit there. You're gonna be like, "Oh okay. Cool, no problem," because they recognized that you could, and they gave you a reason, to acknowledge some of you autonomy as a person. So a lot of it is about approach.

Do people have thoughts about any of those, or questions about any of those?

<I have a question; I don't know if it's directly related. But I wonder about the gap between the event happening and then sitting down to discuss – how you get the people together, how you get someone to even be like, "Alright fine, I'll talk to you about what I did to you." You know, that kind of middle ground accountability. That seems like the hardest.>

One other thing that we don't do enough of that I wish we did more of is having prior agreements about how we're gonna resolve conflicts. A bad time to learn first aid is when someone just fell off a mountain. That's a bad time to be like, "You know what, I really want to educate myself about first aid..." Like what do you do if someone falls off a mountain? What do you do with a head wound? And start to investigate it. I think that's really important. Because in those moments of crisis, that's not the best time to figure out structures or strategies. So I think some of that is about prior agreements. For instance, this collective that I'm a part of, we're like, "Okay, we're gonna use circle processes, and we all in this collective commit that if we are asked to be in a circle process, we'll go." We say that in a time of good intention and togetherness and love. It means that when it happens, we've already said that we would do it, and we have some sense of responsibility to everyone in that collective, not just the person with whom we're in conflict. We've acknowledged before that we regard this process as probably being fair and useful, and so we're more likely to agree to go. Whereas, when the time comes up, and you're like, "Hey, you're pissing me off, you want to come to a circle?" they're like, "Pssh, no." I think a lot of it is about prior agreements, which we virtually never do. So for instance, one of the things that all the collective members in this collective will agree to engage in this conflict resolution process if they're asked. I think that's really, really important because you're right, it's really hard.

The other thing is that if you have a neutral facilitator or mediator, that should be the person that's reaching out to get people to the table as opposed to the person that's immediately involved. That should also be the person that's doing things like securing space and scheduling, because that's a lot of how people avoid it. They're like, "I'm sorry. I'm not free Wednesday." And you're like, "Well, when are you free?" And they're like, "Well, this week is really bad for me." And then you hate each other, and you're like, "Pssh! Fine, well nevermind then!" And it's possible that the week is really bad, and it's possible that it's not. So as much as those kinds of responsibilities can be done by somebody else, for really heated conflicts it's really useful – and if you notice conflict about just organizational details. And anybody can do

that; it doesn't have to be a seasoned mediator, because it's like anyone who can set up a meeting and be like, "Are you free Wednesday? No? Oh, how about Thursday? Oh, okay." And then call someone else and be like, "Are you free Thursday?" It's not a high level skill that's required, and you can get someone else to do that. I think that helps, too, because people avoid it, people don't want to do it. They're afraid of what's gonna happen because they haven't done it before. So I think that's a huge part of it.

<It also seems like that model, that you would need someone who's both invested enough in the outcome of the conflict, but on the periphery enough to remain a neutral mediator/arbitrator.>

What's awesome is that if you're in community with people, there's usually just like dozens of those people around. If you actually are in communities that are somewhat self-governing, or at least have shared commitments, there's always a ton of people who have at least some investment in things being worked out and aren't directly a part of it. Yeah, like in our court system, you're *nobody*. If you love both the people involved, if you really care about the outcome, and it directly affects your life--

--((transcriber's note: the audio might have corrupted data for a couple seconds in this break))

No! You don't got a single place. And even if you look at how our courtroom is structured, where the people who are most invested don't face each other, they face a usually white man in a robe, on high, with "In God We Trust" over his head, who tells them if they've been good or bad. It's a very, very theological structure, in particular a Judeo-Christian theological structure, with white guy in robes on high if you've been good or bad and where you should go, accordingly. What's exciting about a circle, I mean I'll say just a couple of things about what a circle looks like, what those processes look like. You don't have to be directly across from the person who you hurt. Like, we could be here and here. Like, the two primary people in the conflict with a circle of people who care. It acknowledges things like the various dynamics that feed into it and makes it less oppositional. Like I've almost never had a mediation's people have a breakthrough and cry and all that sort of stuff if they're sitting directly across from each other. And if they're here and here, it'll happen all the time. Because there's something that's like, if someone's across from you, you're like, "You're my opponent. I'm on *this* side." It doesn't make sense to be on *this side* of a circle. Also, not having anything in between us is important. So if we were mediating, this backpack would be moved. Clear the space. (As much as possible.) Are there other questions?

<What do you do about someone who's not invested in a circle?>

Do you want to give an example?

<Well, I was thinking in the context of the movement, sort of like temporary, fly-by-nighters or whatnot. They're not invested in the long term, in whatever dynamic or situation.>

I think a lot of those individuals you can usually see a pattern of a lack of elegance around conflict, to put it nicely. Some of that, I think part of the reason, oftentimes if people are not deeply connected to a movement, or are really transient in their involvement, has to do with their failure to handle conflict and come through it. So like, they're there until something goes wrong

and then they're gone. Then they're somewhere else until something goes wrong, and then they're gone. Some of that has to do with creating structures that might actually engage them back in. They probably won't initiate it; they might not initially want it; they might be responsive to it with a strong enough invitation. And that's another reason why I think particularly people who are organizing together for any amount of time, to have just a quick, "Hey, yo, if things go awry, can we have some kind of process and will y'all come if we invite you?" "Yeah, sure." "Can we all say yes to that?" "Yesyesyesyesyes." "Okay." You know, like five minutes at the jump I think can save years off the end. I think that's part of it. It's also about people who are skilled at engaging them and having had that conversation about why they want to go forward, and then having a process that has some integrity, so they don't feel like they're just being put on trial.

< As opposed to ignoring them, which is sort of the automatic response, but engage them more, which will either scare them away or pull them in.>

And that's kind of that same banishment/reintegration thing, right? The send them away versus actually pull them close and figure out what's going on. And we do that in really small ways. If someone's saying something and they're talking too much and we want them to stop, a lot of what we do is we withdraw our attention. So we take away eye contact, we take away all sorts of things. If somebody's trying to be heard, they're going to keep talking until they feel like they've made a connection. So instead of talking for another minute, they'll talk for two hours until somebody looks them back in the eye. Some of that is just really natural human stuff about how we signal it. If you're ever facilitating a large group meeting and someone is talking a lot, and you don't just want to be like, "*Tchka*. Enough," if you maintain eye contact and kinda slowly walk toward them, they'll almost always be silent by the time you're there, which is kind of an amazing --. Don't tell everyone or it'll be ruined. But it's really interesting, and I think it teaches you something about human nature. Something about that need to speak, and particularly speak in a confrontational way, might have to do with a need for recognition or acknowledgement, and a need to feel genuinely heard and seen. I think we've become really desperate in our need for that because we live in *this*, we live in a world where that's *constantly* denied to us – some acknowledgement that we're human beings with a need for something worth saying or worth being heard. Are there other things along those lines?

<When you're facilitating, are you moving around usually?>

Sometimes. If it's a really big group, so you're standing in the front of it. Yeah, with small groups you don't. With smaller groups, you need different tactics. But even then, eye contact and body language that's affirming instead of withdrawing really helps. Because if everybody's looking at you, everyone's looking you in the eyes and everyone's body language is turned towards you, you know how long you're talking. Whereas, when they're all <unheard gestures>, then you've like, "Well, I guess I'll talk forever because they're all looking over there." So it's like, "I might as well just fill this whole space because there ain't nobody else in it."

<I usually do the opposite: "Maybe if I ignore them, they'll shut up.">

Yeah! That's what everyone does. I know this because I talk too much. Like way too much. And my partner, if he thinks I'm talking too much, will look away and will sort of be distant. And then I'm like feeling alienated and disconnected and out of connection with the group and with him and so I will just talk until I feel bad, which could be forever. So I learn it just from observing under what circumstances I can shut up, and I think it holds really true. It says something, too, about "why does somebody keep going?"

<I feel a lot of the times that if I try and express something I have to rephrase it as many times as I can until I really feel that they understand what I'm talking about. And I mean, I can go on for a while, and that scene is somewhat confrontational because they feel that I'm trying to get them to submit, and I'm not. I'm just trying to get them to understand.>

The other things, too, is thinking about – and I do want to take a little bit of time to describe what a circle process looks like and what you do in it – but I was talking to Matthew about this, is part of what I think often happens is because we don't know what'll happen if things flare up, like we don't have agreements, we don't have processes there, we don't know what the result is going to be. We don't say little things. We're like, "I'm gonna let this slide, because if this blows up it's not even worth it. It's not that big of a deal." We do this in our personal relationships all the time. If we don't have a healthy way of fighting with our partners, we just do the dishes instead of saying, "It was your turn to do the dishes." Or we do them and we break a glass, or like "Whatever, I hate you." Or like, somebody's rude and then we sort of become rude and don't say anything about it. Partly because we're worried that if we raise it, it's gonna be explosive in a way that we feel is dangerous. We see the danger and we don't see the opportunity. So we avoid it. That means that when something does come up, it's got the force of everything that's ever happened, ever, between the two of you, behind it. So suddenly, you're ready to destroy the person in front of you over leaving the toilet seat up (or down) because it has that impact of everything behind it. Whereas, if you have some sense of safety that if things get big, we'll be okay, then you raise the little things when they happen. What I find is that groups that have agreements about how to handle serious conflict tend to actually have less serious conflict, partly because there's a comfort in taking risks about addressing things that are smaller – that means they don't rise to that level. With most serious conflicts, it's not actually a specific incident that's totally out of hand. It's usually a combination of incidents that add up to that, like the aggregate that's dangerous.

So, should we do a really quick "what a circle process is?" Does that sound alright to people? Then I'm going to stop talking...because you're all looking at me. So circle processes come mostly out of indigenous traditions, a lot in this continent, also a lot in the Maori traditions in Australia and New Zealand. Typically, people sit in a circle; they're often convened by an elder or somebody with some sense. One of the most important universal features is a talking stick, which is: when you have it, you talk and when you don't have it, you don't talk. To my mind, if you have a group of people together who are in serious conflict, you have one person who is a good listener and not immediately involved in it, and a stick that you can get through, but that's it. So all those courts downtown with their fancy stuff... One listener, one stick, and you're arranged in a circle, and you'll be alright. I've been in circles with people who are like your *elders*, who have that energy and that groundedness and that authority that's not about telling

you what to do, but about *being* what you want to do. They sit down, and you're like: yeah, okay, I'm ready. That's powerful. But I've also been in circles that were pretty shabbily facilitated by someone with no real experience, and really good intent, that worked. So I think some of that is about demystifying the idea of conflict resolution. So all these programs where mediators can get certified kinda piss me off. Like, it's great that mediators can get learned, but that piece of paper, throw it away! What does that mean? "Okay, you did three days of training so now you know something a community doesn't know." Bullshit. So really thinking about getting over the professionalization of that, over the idea that there are specific people who are the ones who can do it, and other people who absolutely can't. If there's one feature a person should have to facilitate, it's being a good listener. That's it. Being a good talker is not helpful. Being really creative can be helpful, but it can also mean that somebody will dominate because they'll offer all sorts of solutions. Having someone creative in the circle is great, but the one thing that to my mind is non-negotiable is the feature of a facilitator or convener of a circle is that they can listen.

<Is this regardless of the number of people involved in the conflict? I mean, is it recommended to have more than one listener—?>

Yeah, if it's really big it can be really helpful to have more. Sometimes you'll have two circle-keepers. The way the circle works is that you'll sit there, there's an initial round of people just kinda saying how they are, and sometimes for bigger conflicts in communities, they often start with a storytelling round, which can be any story that takes a long time. Sometimes in New York, people aren't down to do a storytelling round. So if you have a conflict with like a kid, for instance, who's broken into somebody's house and stolen something in the community, then the older people in the community will be invited to tell a story about when they were that age. With young people, particularly with young people who are "behaving in violent criminal ways" that everyone's terrified about, I'll ask them to tell a story about themselves, or ask everyone in the room to tell a story about themselves five years ago. What's interesting is that the person who's fourteen, their story's about someone who's nine, and it really helps you get over this like "he's a super predator," like he's an evil, because he's like, "Well, I was playing in the park with my friend and he just had his eighth birthday party..." And you're like, "Shit, I'm talking to a kid," you know? It also helps people reflect back on a different point in their lives. So those can be really valuable. That requires people who have an investment in things like storytelling with each other, so people who are real skeptical about things that don't look obviously confrontational sometimes aren't down to tell stories.

So in the circle process, someone would convene it. They would have arranged a time with everyone. They would get there early and set up the chairs. So if I were facilitating, I would gather everybody. I would have talked to each of you beforehand to make sure you all particularly had equal information about what the process was going to look like, so that there's not someone who's like, "Ah, yeah, I know how circles go," and someone who's like, "What's this gonna be, and are they gonna say things, and are they gonna attack me, and do I have to answer anything," all those worries, so that people come to it with equal information and on an equal footing. I think that's really important. Having an initial go-round where people just talk about how they are is important. Because you hear people who see each other in conflict who

are like, "I'm nervous about this," or "I've been thinking about this all week," or "I'm feeling really sad about this." It humanizes people from the outside. And then some questions just about people's individual experience of what happened. The thing that's fantastic about the talking stick is the talking stick means: if you have it, you talk and if you don't have it, you don't talk. So it's simple. It can be an object that's of importance to the community, if you have that. In indigenous traditions it's often something with some sacred value. I've done it with, like, a marker (which starts to feel sacred by the end). "I've got the marker...!" People always recognize that it keeps people from interrupting each other, and that's useful. The thing that I think is most useful about it is that it introduces the possibility of silence to the group. You can pass it if it comes to you; you can pass it every time, so you never have to answer anything. It always goes in a circle, never ever skips anyone. So, in order for Matthew and I to have a back and forth, *everybody* would have to pass, except us, over and over. And at least that would take time, even if we did it hot potato style. So it'd be like "*doogh, doogh, doogh, doogh*" and Matthew would be like, "No you didn't!" and it'd be like "*doogh, doogh, doogh, doogh*," "Yes you did!" and it begins to be ridiculous. So you cut down on the back and forth. It's really powerful in terms of evening out voices, partly because people who might not otherwise speak always get an opportunity that is theirs if they want to take it. People who tend to dominate, if you say something that I have a brilliant response to, by the time it's gone through all these people, chances are everything I wanted to say has been said. That does two things: one is that it quiets dominating people, because by the time it gets to me there's not a lot left that I need to say about it and that frees me up from needing to say all of it; but also, for people who are feeling vulnerable in a group, it makes them feel really supported. So, say I feel like every time something sexist happens, I have to call it out. So like, you make a sexist comment, and I'm like "ugggh" and I'm waiting for my turn in the circle, and I know, again, for the millionth time, I'm gonna have to be the one who's like, "You can't say yadda yadda yadda," and I'm exhausted by that, and I'm disappointed in my community. When it goes around, someone will probably say it, other than me. For me, it creates a real strong sense of being supported in ways that I don't visibly see if I'm always the first to respond. I don't feel it, because I'm the first one to be like, "This is not okay." If I hear that ten times, I'm like, "Oh, I'm in a community of people who recognize it and call it out and who have my back." What I think is elegant about circle processes is in a lot of other ways, how you handle someone who's dominant and how you handle someone who is feeling disempowered, seem like they would require different responses. What's elegant about it is that you do the same thing for everyone, and it works because it's equalizing. It brings everyone to a common place of quiet. So loud people give strength to quiet people, and it makes people feel this community.

<Can you say something about the size of groups that you're talking about? Also, the role that size plays in getting to a certain level...>

I want to say one more thing about silence, and then we'll talk more about size. What's exciting about the talking stick is sometimes you get it, and you can just hold it for a minute, and then pass it. I always encourage people to hold back on talking and to be really greeting the silence. I've been in circles where people get it, and they just keep us quiet for a minute. You can have time limits for how long people can have the stick; that's sometimes practical in big groups or medium size groups. But it means that people can really introduce a pause into it. It also

means I can get the stick, and I've been feeling overwhelmed, and I can hold it for thirty seconds before I decide what I want to say. I can actually think about what I want to say, and I can collect myself, and I can focus. When I'm done talking, I can hold it again to decide if I'm done. It's like, "Am I done talking?" And I might remember something else I need to say and say it, or I might be like, "Oh, okay, I'm actually done." If someone else had talked right after me, even if I were done, I wouldn't have known, because I would have felt like I finished and then *boom*, someone else is like "yadda yadda." So I don't even know whether I was done, and I definitely didn't feel like I could pause before I answered if I don't have the stick. It's called the talking stick; I like to think of it as the silence stick, because I believe that's what it accomplishes much more.

In terms of size, I've used talking sticks in groups as small as two people, which seems a little ridiculous. It seems like an agreement not to interrupt each other would be the same, right, if you're talking about two people and you're passing it back and forth. But in terms of creating those pauses, it's not at all the same. So like, I'll talk and I might hold it for a second before handing it to the other person. And they might wait before they talk, because generally with human conversation, it's if there's silence, it's your turn. But that means people talk longer than they need to, or sooner than they need to, or not when they need to. It starts being useful – I mean, it doesn't make as much sense for one person – but once you get to two people, it makes sense to use it. I've been in circles ranging from two people to a hundred and fifty. So there's obviously different strategies. The general arc of the circle is you go first in terms of understanding everyone's experience of what happened, and then understanding people's investment in the outcome, and then thinking creatively about how some of that harm came about, then thinking some about what might repair it (so, what people's needs are), and then thinking about how to implement it. Those are the sort of rounds that you go through. What's important about that is it's not just the person who did wrong who's making who's making a commitment. So it may be that my commitment is to fix the window I broke in your house. And someone else might be like, "Okay, well I know she's not comfortable being around you right now, so my commitment will be to unlock the house and let you in and be there while you're there." It may also be that the person who's the victim makes a number of commitments to the process. It's something where the accountability for it, even if it's centered in one person, the responsibility going forward is distributed much more evenly around the community. In the really, really big circles, it's helpful I think to have inner and outer circles. Those can vary. I've been in ones where those rotated regularly; I've been in ones where it would go around the small circle a few times before it would go to the big circle at all, the talking stick; I've been in one where it just went all the way around the room, which made you want to die because it was way too long. It works really well if you have kind of spokespeople, so if you can identify what some of the primary concerns are, or some of the primary concerned communities, and have them send a representative to the inner circle, which they can rotate out. One of the more effective ones I was in, there was somebody in the neighborhood who had molested a young girl and people were really upset about it, so there were 150 of us there. We had identified some of the common interests, so there were like a bunch of mothers of young people in the neighborhood who would identify one of themselves to sit in the inner circle, and could rotate that out any time. And then there were people who had really strong concerns about the way

we demonize particular sexual behaviors, and they kind of had a sense of how the process had gone and how it had been dangerous to them, even though they didn't commit the same harm, and they would send a representative. So that can be community groups, it can be organizations if you're doing something in a coalition, but it can also be representatives of different interests. That's a lot like in consensus when they talk about a fishbowl, where you put two people in the middle who represent things, and they duke it out. I haven't seen that used super effectively in consensus processes, but I have seen it effectively in conflict ones. So, kind of concentric style. I think it's hard to hear everyone when you get above 15 or 20 people. That's when it starts to get challenging. I've seen circles of thirty that are pretty good. It also just relates to how long it's gonna take, because it takes more time. It doesn't add –

<In response to what you said... When you have some small group of people who are very committed to social issues and they are doing a great job, those people gain a kind of position that makes them credible. Sometimes, when you want to criticize or have difference with this hidden nucleus, undeclared nucleus, you feel sometimes alienated or embarrassed... I've observed this kind of embarrassment when the people come out of a meeting and say we didn't want to talk if you aren't very close to them, because we don't want to get into conflict. We don't set up the culture of conflict. Conflict is not necessarily a bad thing. The way by which you practice conflict... But conflict in itself is a very healthy thing. [Transcriber's note: this is passage is not fully rendered.] >

We've talked about some of that in the first dialogue, about approaching conflict as an opportunity. We've also talked some about how to go about convening the circle so people do come to the table, and about prior agreements that make it more likely that whatever somebody's relative position is in any power structure, that they're likely to come. So, I'm gonna not address some of it, just because we've spoken about it and I don't want to repeat too much for people who were in the room. But one of the things about that that I think is a really important observation is recognizing that no amount of process can completely level our various hierarchies and ranks over one another, and to be honest about that. Having a pre-existing agreement about a conflict resolution process is really powerful in that it allows anybody, regardless of their position of power, to initiate it. If everyone has said, "Yeah, anyone who asks me to be in a circle, I'll go," it means even the person who's in a relative position of power has made that agreement equally to anybody else, so they're more likely to actually engage. The other part of that is, in a process like this, being able to level some of the things, in terms of when people can contribute and what their expectations are, so you don't have a clear "complainant" and "respondent," like, "I'm raising a concern, and you're answering the concern," because what it is is there's something that is of concern to the community, and you just "*phwoop*," throw it in the middle. What happens, then, is that people's positions become a lot less polarized and that's some of what happens if you sit in a circle instead of across a table. You recognize that usually you're not actually directly opposed to someone, usually you're at like this angle [speaker gestures]. This is usually where a conflict is; it's not immediate that you're complete opposition, but that something is off. I think one of the aims of that circle is *physically* to represent some of that, to represent the different types of opposition we have, and recognizing that even the person by your side, you've got a little, you know, a little angle; there's something that's different about the two of you. Are there other things that people want to raise

at this stage? Because it's 12:35. There are two more things I'd like to do in the remaining ten minutes. One is to have people brainstorm about different strategies to approach conflict. I've talked about one, which is these circles, but I also think things like eating food together belong on that list. We talked about giving eye contact as something that might be a way of defusing tensions. What other kinds of things do people do?

<This is an extreme and bizarre version, but it kind of came to mind. I have to actually be in communities where engaging in violence, but completely consensual, right, is actually one of the healthiest things, I mean in the context, in the bizarre context, that could possibly happen. I've seen it a number of times, and it almost invariably results in this total, after like two weeks, this total peace between those two parties. But, it always has to take place within a larger circle: everything's safe, the community sort of approves of it.>

<It's a means of expression, getting it all out. It's right there, physical, vulgar.>

I think there's two things about that that are really interesting. I think the reasons one would have reservations about making that one of your standard methods are obvious, but the reasons it's interesting: if you look at little boys, young boys will box each other in the face and the next day be chilling. All the time, right? One of the things that's interesting to me, in watching children, is being like, "What do we do about conflict before we're taught what to do about conflict? How do we just kinda handle this naturally?" And so it is really interesting to think about. It's interesting to think about things that happen, like not immediately judging violence that is agreed upon by the two parties as a way of resolving things as necessarily being off the list, having mechanisms by which people can consent to that and can actually not consent and still be safe, so they can say "no" and not be fought is really important. The other thing about that that I think is so important and overlooked is recognizing that we have *bodies*, all of us, and that that's part of how we experience conflict, part of how we experience fear, part of how we experience danger. One of the things that I do, like if you're angry or closed to somebody, you cross your arms, and you slouch, and you sit like this [speaker gestures], and your shoulders come in, that's what you do. I have a rule for myself, if I know I'm getting really closed off to somebody, I would love to have a rule which is like, "I promise to open my mind." Pssh. Good luck. You know, in times of really intense conflict, it's hard to forcibly open your mind and heart. What I can do is forcibly open my posture. So, if I'm furious at somebody, and I hate what they're saying to me, and it's making me insane, I will just uncross my arms. And that, that's a muscular thing. I can make myself do that. And sometimes, it feels like pushing a door open, it's so hard. Your arms so much want to cross. So thinking instead, you know, body language reflects how you feel, but it also works in the opposite. If we change our body language, it impacts how we feel. So one of the things to do in conflict is to do things like open your frame. Shoulders back, arms open, you don't always have to spread your legs, too, but sometimes it helps. It really just "*whoomp*." That's part of what that whole, when people are like, "Take a deep breathe," and people are like, "Yeah that's some bullshit." What it's actually about is letting your body teach your mind instead of always the other way around. One of the lessons in some of that, about the physicality of it, is just realizing that we have bodies, and that those mean something, and that's part of why, circles, it matters that they're in circles, and it matters there's not stuff in the middle of the room, and it matters how people sit in them,

because that's a huge part about how we experience it. I was in one circle once where one of the people involved was deaf and the other people involved didn't know sign language and we didn't have an interpreter because our interpreter didn't show. We had arranged one and they just didn't show up. And I was like, "This is going to be fun," and I don't really know sign language. We did the entire circle in silence and people only did things with their bodies. So people would be like [speaker gestures] and pass it. And then we'd be like [speaker gestures]. Sometimes, people would kind of invent their own sign language, and would be like, "Hoo, I'm opening my heart," or whatever it is. We did maybe a two hour circle process with not a sound. And if you *watched* it, you could – If you watch a video of a circle process and turn the volume off, to me doing that has been one of the most instructional things ever because you can tell what's happening in the circle without hearing a single word. You can see everything that's going on. And you're like, "I can tell you the whole arc of what happened." I can't tell you *exactly* what the agreements are, but I can tell you everything just by watching people's bodies. I think that's some of why we react violently is about a way of re-introducing our physical selves into moments of conflict and figuring out how to be physically present. If we can figure out how to be physically present without having to box someone in the face, I find it preferable, but that I think is a really necessary part of it.

<I feel like there's so much natural human conflict, people would be so afraid for different types of communication, or even like any at all. Like if you have, say, a row of seats and someone's sitting in a seat, or whatever, you're not gonna sit next to that person; you're going to put a seat in between you. And if you do sit next to them, they're gonna be like, "Why are you sitting so close to me?" There's so much tension between humans, should you decide to introduce a new form of communication, such as a circle—>

People in a circle are more likely to sit next to an occupied chair than if it's in rows, much more. Like if you just watch the way people come into a room, where chairs are set up in a circle, they're *far* more likely to sit next to somebody.

<...[transcriber's note: this phrase not written]>

And there's something – you feel *weird* having a seat between you and someone in a circle. Even if it's not a conflict resolution, even if it's just a room like this, you feel kind of silly not sitting next to someone, like you're aware that that's isolating. To me, that's kind of what's so cool about these processes is you can get really advanced and incredibly skilled at them, no doubt, but also, really, if you have people cross-legged in a circle, somebody who's not [wibing??] out, and a stick, you can get through. That, to my mind, much more than any of the complex strategies of different things you can do at a time, is really really important. Other things we talked about is physically moving stuff. One theory is that the space should be set up before people come in. I really like for people to set up the space together because then they've done something cooperative; they've accomplished something together; they've already made a contribution to the shared space; the circle is theirs because it wasn't there when they made it, so they created the circle, and all they've done is move a table out of the way and move some chairs around. Then they don't feel like the circle's imposed on them, so they're not like, "Ugh, circle. I don't want to sit in the circle with you. Why are we sitting like this?"

because they set it up. Having food is really good. One of the ground rules that I like to commit to all the time is that if anybody has to pee, they should be able to call a time out and go pee. As a facilitator, having potty breaks can be the most important thing you ever do. Because I know when I have to pee, first of all, I think everyone's talking too long, because I'm like, "If they would shut up, I could pee." So with everybody, I'm like, "Ugggh! You're still talking!" Even if they're like, "Hi, I'm Gula," I'm like, "Why are you introducing yourself SO slowly!" So, thinking about things like that. Thinking about people's physical comfort, so having pillows for people who want support behind their back, so that they can physically sit comfortably in the chair for as long as you're sitting there. That kind of stuff really matters. What are the other kinds of things that you do to come through conflict, or that's useful?

<When we were talking about a mutual character, I never really adapt to that theory only because a lot of the time it's like, "I don't want to be part of the drama, I don't want to be involved," or whatever. So I do often kind of take it upon myself to approach them. If they don't want to talk to me, I mean I will be persistent about it, like "This is a conflict between both of us. I'm willing to talk to you. I don't want to say you owe it to me to talk to me, but I think it would be a good idea that you do because this is both you and I." I have temporarily lost friendships. Then I'd run into them, and be like "hey" and give them a hug, and then we'd start talking. That opened it up because it's like showing you I'm willing to talk, I'm willing to like hug you and shit, and I'm okay with you.>

One of the things that's in both of your examples is just having some time, right? Going through a resolution process and then being like, "Maybe it'll be two weeks before I feel good." Sometimes people come out of circles and they're loving each other, and crying, they're best friends and they want to go have a meal together. Sometimes they come out of a circle and they're like, "Okay, I'm gonna do what I said I'm gonna do." I think outlets for people's anger are really important, too. I was in this circle once, and this girl – we had some time limits. We didn't make agreements about people saying "I statements," like only speaking for themselves, which are usually good agreements, as I remembered part-way through this. It got to her, and she was like, "I just want to say fuck ALL y'all. You, you're a little tramp and you know it. You, you're full of shit and..." and she went for maybe five minutes, which is a long time to be screaming and swearing at everyone in the room in turn. She didn't skip anyone in the room. She would go back to some people. She swore at me like you wouldn't *believe* the things she said to me. So *ugly*, ugliness. Then she was like, [sigh of relief] and then sat there with the stick for like another three minutes and then passed it on. Then when it came to her the next time, she was like, "Naw, I can do all that. That sounds fair." Just ready to roll. If that had happened somewhere other than in a circle, it would have felt really unsafe, and no-one would have let her just finish. You know, people would have been, "What did you just say to me?" It would have been two seconds into it. You have to have a certain level of trust to be able to know that you can do that without people in the room feeling harmed or threatened. And if she had said, "I'm gonna do (whatever) to you afterwards," I would have been like, "Mm. Stop." But until then, as long as she was just saying, "Fuck you, you stupid white bitch," to me, I was like, "That's cool, that's cool."

< [transcriber's note: the question/comment is essentially inaudible; something about people saying that the psychological stuff is the whole issue] >

There's no way it's the whole issue. I agree. I've definitely mediated conflicts – like, I've mediated something as serious as an attempted murder between strangers. So the person who attempted to kill somebody, and the person who was almost killed by someone they had never met. So they certainly weren't in close community. It happened in the course of a robbery. It was a sixteen year old boy and a thirty-five year old woman who had never met before. And we came through it. One way to think about it is to think we need a certain amount of community in order to resolve conflict properly and well together. The other way to think about it is that the only way we'll ever have that amount of community is if we resolve conflict well together. So to think about the causality being more complicated. It's not that it just goes this way, either, but that there's a relationship that's not just unidirectional.

< [editor's note: again, difficult to distinguish what the speaker is saying; something about how community is a broad term, and within communities, there exist many divisions, and you cannot get close to people.] >

No doubt. I definitely sat there with the woman who had been shot at by somebody who robbed her whom she had never met before, and they came through. So the word community may not be most comfortable with; it may be connection, it may be some understanding of relation, like having a relationship with somebody else, whatever its charge is. A community doesn't necessarily mean that you love one another or that you have shared commitments; it may mean that you share an identity, that you share a neighborhood, you share a particular interest in a subject, whatever it is.

< [again, difficult to understand – something about, “are my boss and I community?”] >

So I'm gonna answer that, and then I'm going to suggest that we go around in a circle so that everybody else has a chance to talk. One thing that is really important in that, in addressing conflicts, is having some sense about whether your goal is to maintain that relationship or to sever that relationship safely. And you may figure that out in the course of it. You may think your goal is to sever it and decide in the course of it that you want to sustain it. It may be that you go in thinking that you want to work it out and you realize what you need to do is sever it. So what it is, is it's about coming through harm in a way that doesn't create more harm. That may mean a break between people. It may be that the resolution to something is that people choose to sever a connection, and that's realistic. Before we go, if we maybe do a go-around in a circle. If there are questions that are remaining, or any observations, or even just really basic concrete questions, too, like “Do you have food before or after the circle?” and “Do you have water at the circle?” and “Are animals allowed, and how do you handle childcare at a circle?” Like those kinds of things as well as anything else.

<The idea of the agreement and how one addresses that if it's not in place *before* the conflict arises is one thing that I'm sort of trying to get my head around. The other idea is, when one of the parties is, quite frankly, so unassailably obstinate that they will not participate in the process, or you cannot reach an agreement.>

So those are different things, not participating and not agreeing, and are different levels of concern. Transformative mediation, as opposed to regular mediation, it focuses on recognition between people and empowerment of people as opposed to getting a solution to the problem. So they'll regard a mediation as *more* successful if people have really acknowledged their differences and really understood each other and been like, "Yeah, we can't actually figure out how to agree," as opposed to a mediation where there's an agreement but there's still no mutual recognition and no sense of empowerment on the part of the parties. So, not ending with an agreement is okay. Sometimes it'll happen.

<I'm actually more talking about the *process*, before you get started.>

Oh, so what you need to do. So, the difficulty of that, which is real, is part of why having a prior agreement is so important, because people are more likely to agree to that when they don't imagine it's going to be *themselves*, or from a space of connection and openness to things, than in a moment of conflict. Otherwise, it's really important to figure out who should be engaging them, and how. So to think about who should be approaching them, on what grounds they should be asked to be there, to make clear that everybody in the room has some accountability in the issue and everybody in the room will be held responsible for moving forward, in some way. I've rarely been in a circle where there have been people who haven't been responsible for something, as an outcome of it, even if it's, "Oh, I'm gonna remind you to go." So I had a circle where someone agreed to go to a program, and the person he had hurt agreed to call him every morning to remind him to go. I think also giving concrete examples of things that have happened before, about what the process will look like, because a lot of it is about a mystery about the process, too. So it's just about, "This is what we would do if we did it. What aspects of that don't you like? What parts of that don't seem cool? What might change that for you?" So engaging them in setting the ground rules for it is the thing. And being flexible. Are there any other closing comments or observations of something?

<I think the food's really good. Maybe if you could, like, get the people together to make the food, or to set the table, or you know what I mean? Because you have to work together to have that done.>

And it's cool – if you can cook a meal together afterwards, it's awesome.

< [transcriber's note: this comment nearly impossible to discern – I think something about rotating the various responsibilities between different people] >

I think that's really important. I think it fosters an ability to empathize with one another better, because you've held each others' positions.

[END]