



# Center for Restorative Justice & Peacemaking

An International Resource Center in Support of Restorative Justice Dialogue, Research and Training

## What is Humanistic Mediation? *“Creating a Safe, if not Sacred, Place for Dialogue”*

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Humanistic mediation represents a “dialogue driven” rather than “settlement driven” form of conflict resolution. It emphasizes the importance of: meeting with the parties individually and in person prior to the joint mediation session, in order to listen to their story, build rapport, explain the process and prepare them for engagement in a mediated dialogue; a non-directive style of mediation in which the parties are primarily speaking to each other with minimal intervention by the mediator; and a mediator attitude of unconditional positive regard and connectedness with all parties, while remaining impartial (e.g. not taking sides).

While the focus of the mediator's work is upon the creation of a safe, if not sacred, place to foster direct dialogue among the parties about the emotional and material impact of the conflict, written settlement agreements often occur but are not central to the process. Humanistic mediation is a specific practice application of the broader theory of transformative mediation. It is grounded more in a paradigm of healing and peacemaking than problem-solving and resolution. The telling and hearing of each other's stories about the conflict, the opportunity for maximum direct communication with each other, and the importance of honoring silence and the innate wisdom and strength of the participants are all central to humanistic mediation practice. Humanistic mediation has been applied in multiple settings, including: community mediation, victim offender mediation, workplace mediation, family mediation and peer mediation in schools.

### Key Elements of Humanistic Mediation:

**Continual centering of the mediator**

*Being fully present – separating “our stuff” from “their stuff”*

**Deep compassionate listening – Importance of storytelling**

*“Just listen”*

**Pre-mediation in-person separate meetings**

**Connecting with parties, but impartial**

**Creation of safe, if not sacred, space**

**Dialogue driven – between parties**

**Non-directive style of mediation**

**Mediator “gets out of the way”**

## **Key Elements of Creating a Safe, if Not Sacred, Place for Dialogue:**

### **1. Non-Judgmental Attitude**

Unconditional Positive regard to all parties

### **2. Preparation of the Parties (in-person and separate)**

Listening to their stories and needs

Explaining the process – no surprises

Preparing for the dialogue

Role of mediator as guardian of process

### **3. Presentation of Choices**

When to meet, where to meet

Who to be present, snacks

### **4. Centering of Mediator**

Deep belly breathing, meditation or prayer

Separating “our stuff” from “their stuff”

Caring deeply for all, but remaining impartial

### **5. Setting the Tone**

Eliminating distractions

Soft music in background as people gather

Beginning with moment of silence, ritual or prayer (if meaningful to all parties)

## **Potential Blockages (for Some People) to Creating a Safe Place for Dialogue**

*“Good intentions, sometimes opposite impact”*

### **1. Touch**

Holding hands

Any form of touch

Hugging

### **2. Religious Ritual**

Using a specific religious ritual or prayer from a dominant religion

Using a specific religious ritual or prayer from an indigenous or non-western tradition

### **3. Language**

Reference to spirituality and religion

“Spiritual” as synonymous with “religious”

Language that communicates judgement

### **4. Assumptions**

“My understanding of spirituality or religion is shared by those present.”

“What makes me centered or safe works for others.”

# Victim Offender Mediation Continuum: *From Least to Most Restorative Impact*

<b>Least Restorative Impact</b> <i>Agreement-Driven: Offender Focus</i>	<b>Most Restorative Impact</b> <i>Dialogue-Driven: Victim Sensitive</i>
<ul style="list-style-type: none"> <li>• Entire focus is upon determining the amount of financial restitution to be paid, with no opportunity to talk directly about the full impact of the crime upon the victim and the community, as well as the offender</li> <li>• No separate preparation meetings with the victim and offender prior to bringing the parties together</li> <li>• Victims not given choice of where they would feel the most comfortable and safe to meet, or whom they would like to be present</li> <li>• Victims given only written notice to appear for mediation session at pre-set time, with no preparation</li> <li>• Mediator or facilitator describes the offense and offender then speaks, with the victim simply asking a few questions or simply responding to questions of the mediator</li> <li>• Highly directive style of mediation or facilitation with the mediator talking most of the time, continually asking both the victim and offender questions, but little if any direct dialogue between the involved parties</li> <li>• Low tolerance of moments of silence or expression of feelings</li> <li>• Voluntary for victim but required of offender whether or not they even take responsibility</li> <li>• Settlement-driven and very brief (10-15 minutes)</li> </ul>	<ul style="list-style-type: none"> <li>• Primary focus is upon providing an opportunity for victims and offenders to directly talk to each other, to allow victims to express the full impact of the crime upon their life and to receive answers to important questions they have, to allow offenders to learn the real human impact of their behavior and take direct responsibility for making things right</li> <li>• Restitution is important, but secondary to the talking about the impact of the crime</li> <li>• Victims are continually given choices throughout the process: where to meet, who they would like to be present, etc.</li> <li>• Separate preparation meetings with the victim and offender prior to bringing them together, with emphasis upon <u>listening</u> to how the crime has affected them, <u>identifying</u> their needs and <u>preparing</u> them for the mediation or conference session</li> <li>• Non-directive style of mediation or facilitation with mediator not talking most of the time, high tolerance of silence and use of a humanistic or transformative mediation model</li> <li>• High tolerance for expression of feelings and full impact of crime</li> <li>• Voluntary for victim and offender</li> <li>• Trained community volunteers serve as mediators or co-mediators along with agency staff</li> <li>• Dialogue-driven and typically about an hour in length (or longer)</li> </ul>