**Handling Forgiveness Issues While Facilitating Restorative Conferences**

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**Set forth below is an outline of the October presentation. After the presentation itself a more detailed outline, inclusive of salient points generated via audience participation, will be generated and will be available online or upon request at dtdeal@cox.net.**

**Learning Objectives**

* Offer facilitators engaged in restorative practices with specific strategies for handling forgiveness issues without compromising respect for self-determination.
* Offer a working definition of the term “forgiveness.”
* Explain that forgiveness issues can arise but sometimes deserve to be handled without using the value-laden term “forgiveness” itself.
* Focusing on interpersonal forgiveness, identify the myriad factors that bear on the wisdom of offering forgiveness.
* Acquaint facilitators with the growing psychological literature on offering (and seeking) forgiveness.
* Engage the audience to share practice examples of cases where forgiveness issues have arisen and how they were handled by the facilitator.

**A. Introduction**

* 2015 Charleston shooting 🡪 Is instant forgiveness desirable? Realistic?
* Well-settled that forgiveness is not an appropriate objective for restorative justice. 🡪 Deal (2015), Umbreit and Armour (1998), both citing many sources
* Even if forgiveness is not an appropriate objective for restorative justice, offering and seeking forgiveness (even if the term “forgiveness”itself is not used) does often arise and facilitators need to be prepared to handle it without compromising the need to respect self-determination.

**B. Some Preliminary Matters**

* **Short History of Forgiveness** 🡪Among the ancients, forgiveness plainly not a virtue, but its status has evolved. 🡪 Bash (2007), Ch. 2.
* **Forgiveness today is hot topic 🡪** Forgiveness Project, London-based group that emphasizes the healing potential of forgiveness, collects forgiveness anecdotes, holds conferences.

* **Forgiveness Takes Many Forms**
	+ Divine forgiveness 🡪 Christian Scripture and tradition
	+ National or community forgiveness 🡪 South Africa Truth and Reconciliation Commission
	+ Interpersonal forgiveness 🡪 Person-to-person forgiveness 🡪 focus today
	+ Different rationales for examining interpersonal forgiveness
		- Religious/moral base (forgiveness, repentance, atonement; moral duty or moral virtue?)
		- Humanistic/Secular base (apology, remorse, restitution, reconciliation;psychological factors)
		- Seeking forgiveness vs. offering forgiveness
* **Working Definition of Forgiveness**
	+ “It does not imply forgetting, condoning, or excusing offenses, nor does it imply reconciliation, trust, release from legal accountability.” 🡪 Armour (2006), citing sources.
	+ Better viewed as “letting go.” 🡪 Deal (2015).
	+ However, offering forgiveness and seeking forgiveness are not mirror images:
		- *Offering* forgiveness may be guilt-driven, but can offer the *victim*: prospect of reconciliation, reduction of anger, blame, and vengeful thoughts and related adverse health effects, but the victim may be uncomfortable or guilt-driven 🡪 Armour (2006), *citing* many practice-based sources.
		- *Seeking* forgiveness can offer the *offender*: acceptance by vic*tim* and community, reinstatement*,* reconciliation, making things right, *but* theoffender faces the risk of rejection if thevictim feels like the victim is “asking too much” and without demonstrable empathy feel hollow, even re-victimizing. Armour (2006), *citing many practice-based sources*.
		- *Illustrative of these sharp differences, which can undermine healing, the restorative justice literature is full of cautionary references to forgiveness as “highly toxic”, Umbreit (2015), and “the F word” Braithwaite (2016).* ***Audience experience?***

**D. Interpersonal Forgiveness and Restorative Justice**

* At first blush, excluding forgiveness as an appropriate objective of RJ seems paradoxical (given the healing attributed to RJ); however, exclusion as an objective is really a logical consequence of the core facilitator principle that *self-determination* be respected.
* But forgiveness can and often does emerge as an issue in the course of RJ anyway:
	+ Good example: Family mediation:
		- Domestic violence generally
		- H-W, couple conflicts (e.g., divorce)
		- Parent-child conflicts
		- Sibling conflicts
		- Extended family conflicts
	+ Other settings where forgiveness arises? 🡪Umbreit 2015 + *Audience experience?*
		- *Offenders in prison and their families?*
		- *Vandalism*
		- *Robbery*
		- *Fraud*
		- *Acts of violence*
		- *Racism*
		- *Workplace staff conflicts*
		- *Other?*
* Occurrence of forgiveness-type issues poses challenge for facilitators respecting self-determination.

**E. Strategies for Managing Forgiveness**

No one strategy for handling forgiveness issues addresses all of the considerations that can be at play; however, with care mediators can navigate what can be a trying restorative process.

1. **How do you deal with initiating a forgiveness issue?**
	* Not for the mediator to initiate; need to respect the parties’ self-determination.
	* Pre-conferencing is opportunity to see where parties are coming from.
	* If pre-conferencing does not indicate that forgiveness is a big issue but arises nonetheless during conferencing, caucus with parties individually to discern where they are coming from “now.”
	* Other?
2. **How do you deal with the party seeking forgiveness?**
	* What does the Offender think forgiveness offers him?
	* What does the Offender contemplate saying to advance his request: acknowledgement? apology? “forgiveness” actually sought?
	* What does the Offender contemplate doing to advance his request?
	* Does the Offender understand that his request, however sincere, might be rejected?
	* Does the Offender understand that his request, however sincere, does not entitle him to forgiveness because forgiveness is a gift?
	* Other?
3. **How do you deal with the party contemplating offering forgiveness?**
	* What does the Victim get out of forgiveness?
	* Is the Victim using a religious lens: Forgiveness a mandatory moral duty? Conditional moral duty? Moral virtue? Other non-Christian principles apply?
	* Is the Victim using a secular/humanistic lens and therefore possibly more open to the wealth of psychological research which examines the myriad factors that bear on the wisdom of applying forgiveness in a particular case?
	* If the Offender has sought forgiveness, is he asking for too much? Does it feel victimizing? What are the terms used by the Offender? Does the request seem genuine? Does the request reflect remorse, empathy?
	* Other?
4. **Do the parties need assistance in crafting the terms that might better capture a satisfactory agreement?**

**F. Wrap Up**

 **Annotated Bibliography**

Armour, Marilyn and Mark S. Umbreit. “Victim Forgiveness in Restorative Justice Dialogue.”An International Journal of Evidence-based Research, Policy and Practice, Volume 1, 2006-Issue 2. (foundational article reviewing empirical literature on forgiveness in the context of restorative justice; counsels against the imposition of moral or religious prescriptions to forgive)

Armour, Marilyn and Mark S. Umbreit. *Violence, Restorative Justice and Forgiveness: Dyadic Process of Indirect Forgiveness and Energy Shifts in Restorative Justice Dialogue*. Jessica Kingsley-Philadelphia (2018 est.). (eagerly awaited compendium based on actual case files reflecting restorative justice encounters identifying exemplars of the paradox of forgiveness where forgiveness is obtained without relying on the term itself)

Braithwaite, John. “Redeeming the ‘F’ Word in Restorative Justice.” Oxford Journal of Law and Religion, 2016, 79-93. (While extolling the healing potential of forgiveness, author asserts that forgiveness, apology, remorse and mercy are gifts that come from the heart and that their adoption as “maximizing values” for the restorative justice process interferes with their emergence in a preferred “journey of empathy”)

Bash, Anthony. *Forgiveness and Christian Ethics*. Cambridge, UK: Cambridge University Press, 2007. (draws heavily on the theology-psychology tension explored in *Forgiveness in Context*; favors the view that forgiveness is a compelling moral virtue not a mandatory moral duty; Ch. 2 offers a short history of forgiveness describing how the concept has waxed and waned over the ages)

­­Deal, David T. “Should Forgiveness Be an Objective of Restorative Justice?” Unpublished paper for Virginia Theological Seminary, Fall Term, December 2015. (focusing on interpersonal forgiveness, emphasizes that identifying that while restorative justice is a healing process making forgiveness an *objective* of the process is incongruous with the parties’ need for self-determination; also examines the tension between religious views that forgiveness is a moral duty vs. forgiveness is a moral virtue, observing that the former may hinder an individual’s ability to take into account the myriad factors identified in psychology research)

Jones, L. Gregory. *Embodying Forgiveness: A Theological Analysis,* Grand Rapids: Wm. B. Erdmans Publishing Co., 1995. [highly regarded theological treatment of forgiveness; draws heavily on Dietrich Bonhoeffer’s concept of “cheap grace,” which emphasizes that forgiveness sought but unmindful of the need for reconciliation with the affected community is not forgiveness at all; adds that while Christians are called to be forgiving they are not divine and should treat forgiveness as a *craft* requiring dedication and emulation of others adept at the craft of forgiveness)

Miles, Al. “The Thorny Question of Forgiveness.” The Clergy Journal Vol. 77, Issue 8 (July 2001): 6-7. (short, plainspoken view of forgiveness by a cleric dealing often with domestic violence and recognizing that formulaic approaches to forgiveness have the potential for revictimization)

Umbreit, Mark S. with Jennifer Blevins and Ted Lewis. *The Energy of Forgiveness: Lessons from Those in* *Restorative Dialogue*, Cascade, 2015. (thoughtful collection of restorative dialogue cases by experienced facilitators addressing the handling of forgiveness for victims of crime, families, schools, workplaces, and communities; at the core of this book is the “mystery of forgiveness, the paradox of forgiveness, the energetic language of forgiveness” coupled with the “highly toxic nature of the word *forgiveness*” for many communities and individuals which drives many to seek and obtain forgiveness while using other, less value-loaded terms)

Umbreit, Mark S. and Marilyn Armour, “The Paradox of Forgiveness in Restorative Justice.” Chapter 30 in *Handbook of Forgiveness* (1998).

Watts, Fraser and Liz Gulliford, ed. of *Forgiveness in Context: Theology and Psychology in Creative Dialogue.* London: T&T Clark International: 2004. (very readable collection of essays examining the relationship theology and human psychology and its relevance to the *craft* of forgiveness)

Worthington, Jr., Everett L., ed. of *Handbook of Forgiveness*, New York: Routledge, 2005. (highly regarded collection of materials reflecting the extensive research that has examined the myriad factors that bear on the wisdom of offering forgiveness is a particular situation as compiled by a very experienced researcher and professor)