

Understanding ‘Back Stage’ and ‘Front Stage’ Work in Restorative Justice Conferences: The Benefits of Using Ethnographic Techniques

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Abstract

Facilitators play a vital role in restorative justice conferences, yet their work is often taken for granted. In a British evaluation of conferencing, Dignan et al (2007) have used Goffman’s metaphor of conferencing as a ‘theatrical performance’ showing the value in undertaking a dramaturgical analysis of restorative justice. This article applies a similar approach using ethnographic techniques to analyse facilitation practice in an Australian conferencing scheme. In doing so, it analyses the ‘back stage’ and ‘front stage’ work in restorative justice to show how restorative justice rituals are assembled.

‘A well-prepared and well-facilitated conference is not unlike the performance of a choir or orchestra.’

C Barton, 2003

Introduction

This article discusses the value of using ethnography and dramaturgical analysis in an Australian study of restorative justice conferences. While there is a growing body of research on the strengths and limitations of restorative justice conferences (see, for example, Daly 2006), research specifically on the work involved in facilitating conferences remains underdeveloped. Barton (2003) likens a well-facilitated conference to that of the performance of an orchestra — because every orchestra needs a good conductor. Significantly, Dignan et al’s (2007) British evaluation of several restorative programs used a dramaturgical framework to analyse conferencing as a theatrical performance and site of social interaction. This metaphor casts facilitators as the producers and directors of each conference performance.

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Following Dignan et al's analytical approach, this article analyses the 'back stage' and 'front stage' work in restorative conferences to show how facilitators coordinate restorative justice rituals. The article briefly considers the study's aims, methods, conceptual approach and research context, then discusses some of the main findings. It reflects on the some of the benefits of utilising a dramaturgical framework and ethnographic techniques to understand how conferencing is organised in the context of an Australian restorative justice program for juvenile offenders. The contribution of this article is to show the influence of 'back stage' work to the staging of restorative conferences.

A study of restorative justice conferences

Many studies have focused on whether restorative justice 'works' by evaluating specific programs using quantitative methods to measure conferencing outputs and outcomes, such as participant satisfaction and reducing recidivism (for a review, see Sherman and Strang 2007). This research project employed ethnographic techniques to document the nature of conference practice by exploring the interaction between facilitators and other conferencing participants. The terms 'facilitator' and 'convenor' are used interchangeably.

In this article the following question is considered: How are restorative justice conferences coordinated? The ethnographic techniques used in the study were in-depth interviewing and participant observation. In total, 60 interviews were conducted with conference convenors and their managers. Once convenors were interviewed about their work in conferencing and the current case they were working on, I then sought permission from the participants to observe the case. In total, 45 conferences were observed, and they included conferences for offences such as assault, theft, break and enter and property damage committed by juvenile offenders.

The incorporation of ethnographic techniques in the study allowed for the close documentation of the social world in which facilitators worked, similar to the approach used by other researchers studying criminal justice workers (see, for example, Mack and Roach Anleu 2007; Chan et al 2003). Therefore, it was important to observe convenors facilitating conferences, but also the broader organisational context in which they worked, such as participating in entry training and meetings with their managers. Writing field notes is a 'messy business' that implicates the researcher in a position of power as he or she constructs accounts of interactions (Maher 1997). Aware of this, the research was informed by my field notes as well as interviews with facilitators to allow for the inclusion of multiple perspectives. I developed an observation protocol to guide the writing up of field notes, recording in as much detail as possible what happened at each conference, what facilitators did and did not do in the conference, their interaction with the other participants, their disposition and demeanour, and signs of nonverbal communication (eye contact, tone of voice, gestures) (adapted from Chan et al 2003). I always sat outside the conference circle and did not participate in the formal proceedings. (See Chan 2013 in this Special Issue for a discussion of validity issues when observing conferences.)

Dramaturgical analysis and conferencing

Restorative justice conferences have been described as reintegrative shaming ceremonies that can transform conflict between victims and offenders (Braithwaite and Mugford 1994). Goffman's idea of everyday life as a 'performance' (1959) is a powerful metaphor for analysing social interactions that take place in a conference. An appealing aspect of dramaturgical analysis is that it is concerned with 'making interaction visible' in ways that

are often taken for granted (Travers 2001:57). Dramaturgical analysis reveals patterns of behaviour characteristic of specific social and legal settings (Cavan 1966). The dramaturgical framework also implies that in any social setting participants are cast in different roles and expectations are formed about how each role is expected to be performed. For example, according to restorative justice advocates, one of the virtues of restorative justice is that it allows conference participants to play a central role in decision making (Zehr 1990). The role of facilitators is to prepare participants and guide them through the decision-making process, although they are not expected to play a substantive role in the discussion or decision making (Barton 2003). In using the analogy that participants are allocated different roles to play in each conference, like Dignan, I am not suggesting that participants are simply 'acting roles' (Dignan et al 2007:6). Dramaturgical analysis is useful for understanding not only different roles in conferencing but also the nature of 'back stage' and 'front stage' work involved in producing and directing restorative conferences (Dignan et al 2007).

Visualising conferencing as a theatrical performance that takes place in different spaces is an analytical device that has been used in ethnographic studies on courts and sentencing. For example, Ericson et al distinguish between the front regions of court which are set against a backdrop of interactions that take place in the back regions, such as judges' chambers (Ericson et al 1989). Carlen differentiates between the 'in-court' and 'out-of-court play' (Carlen 1976:65) to show how justice is 'manufactured' in different court spaces. In this article, I am not suggesting that conferences are contrived or insincere; I am suggesting that, to understand the process and dynamics of decision making in youth justice conferencing, closer attention needs to be paid to the assemblage of 'in-conference' and 'out-of-conference' interactions that lead to the facilitation of effective conferences. Further, dramaturgical analysis is a particularly helpful analytical device because research on restorative justice tends to focus on what happens on stage at the conference, rather than the preparation stage (Daly and Kitcher 1999).

There is significant value in combining this conceptual approach with ethnography. Primarily this is because detailed ethnographic accounts can reveal not what facilitators *should* do as producers and directors according to the ideal metaphor, but because it renders visible *how* they approach their work in situational contexts to assemble successful conferences.

Research context

'Restorative justice conferencing' is a term that refers to a variety of models implemented in a range of institutional and professional contexts. The current study provides an in-depth analysis of facilitation practice within the context of one organisation: youth justice conferencing in an Australian jurisdiction. Broadly, conferencing is offered as a diversionary measure for juveniles, and aims to bring together the principal stakeholders, victims, young offenders and their supporters, along with other community members, with the help of a facilitator, to discuss the impact of the offence and come up with a meaningful agreement to address the harm caused by the offence. Conveners in this scheme are community members contracted to facilitate youth justice conferences and they report to conference managers employed by a juvenile justice department.

In the current scheme, facilitators followed a carefully worded script which aims to find out what happened, who was affected and what can be done. While conference agreements were ideally decided by consensus at the conference, there were overarching guiding principles to suggest the kind of sanctions that could be developed as part of an outcome.

This particular conference scheme was underpinned by legislation that set upper limits on what could be included in an agreement, as well as potential items that might be included in an agreement: an apology, reparations to victims or the community, participation by the young person in a program, and other actions to integrate the young person into the community.

Facilitating youth justice conferences

Within the conference organisation I studied, the aims of a youth justice conference include to hold young offenders accountable, enhance the rights of victims, and allow the conference stakeholders to make decisions about an appropriate outcome. Conference managers and convenors I talked to often stressed that a good conference is one where conference participants play an active part in the conference, allowing the facilitator to play a 'back seat' role to achieve restoration. Daly (2003) has pointed out that it is often not realistic to achieve restorative outcomes in every conference. During the course of the study, however, I was told numerous stories of the incredible outcomes that could be achieved in a conference — young people apologising to victims, conferences starting with an angry victim and ending with a handshake, victims offering for the offender to do work experience with them (see Bruce 2008). It was implied that these are the kind of constructive restorative outcomes that conference participants can achieve in a conference. Yet it was also suggested by some convenors and managers that, in some situations, facilitators are more involved in the conference proceedings and negotiating agreements than they should be. In this article, I discuss the front stage and back stage tasks performed to render visible the different way that facilitators coordinate the process and outcomes of conferencing.

Front stage tasks

Dignan et al (2007) described the variety of functions performed by facilitators in the conference process as 'chairs' the meeting, 'stage managing' when problems arise, and 'brokering' conference agreements (2007:12–13). Convenors in the program I studied also performed a range of similar front stage functions during each conference.

Chairing: Prompts, cues and signals

At the start of the conference, convenors begin by introducing the participants before opening the discussion. Chairing each conference is an important task performed by facilitators. In Goffman's terms, people in any social situation often try and create a good impression (Travers 2001:52). Facilitators can help young offenders give a detailed account of what happened to assist them to demonstrate that they understand what they did was wrong and accept responsibility for their offending behaviour. Convenors can play an important role in prompting young offenders for more information to demonstrate to the other participants that they understand what they did was wrong. For example, in a conference for fare evasion the convenor departed from the scripted questions when the young offender said she 'did not know' what the effect of the crime was. The convenor prompted her to consider, 'What would happen if hundreds of people didn't pay for tickets?' The young offender demonstrated she understood: 'It was ripping off the system.'

While chairing a conference there are ways that facilitators can encourage victim participation. The script includes a series of questions that the convenor asks: What did you think at the time? How have you been affected? What have you thought about since? How did your family and friends react when they heard about what happened? But if the victim

chooses not to participate, convenors can include the victim's perspective by inviting a victim representative or asking the victim to write a letter. After hearing the impact of the offence on the victim, the script moves to invite other participants to speak and then finally, after hearing from everyone, the convenor prompts the young person with the following question: 'Before we move on, is there anything you want to say to (the victim), or anyone else here?' This is the moment in the conference when, if the offender has not already apologised upfront in the early stages of the conference, an apology is offered (or not).

Although some young offenders spontaneously apologise, facilitators play a part in orchestrating some apologies. For example, in a conference for a shoplifting matter, the young offender had written an apology letter and brought it to the conference, but the convenor also signalled to the offender to apologise in person, to 'do a verbal apology'. After the young girl apologised to the store (victim) representative, the convenor asked the victim representative whether he accepted the apology, which he did. But without the facilitator signalling for this exchange to take place, an in-person apology would not have been communicated.

Even though the onus is on the young person and the victim to be active participants, facilitators contribute to creating an effective process by controlling the order in which participants speak, but also the tempo of the conference; for example, signalling when it is time to move on to the next stage of the conference, or when is the right moment for the young person to offer an apology. Yet participants do not always perform their roles in ways that facilitators expect or hope they will.

Managing crises

The way facilitators manage conflict can make or break the conference; therefore, another function of facilitation is the task of managing crises. Although heated conflict between participants was not common in youth justice conferences observed, it was behaviour for which convenors had to be prepared to step in and effectively manage. For example, one conference was held for an incident of malicious damage in which an Aboriginal boy, who was angry at his mother, damaged the house she was staying in. During the conference, the facilitator had to step in to control the blame directed by the young person's mother (who was identified as the victim). My field notes show how the convenor managed this critical incident:

The young person's father said the incident was 'out of character', that his son 'doesn't usually drink', and that really the violence was 'his mother's fault'. (He shifts the blame and attributes his son's behaviour to trauma resulting from his mother's suicide attempts.) I felt the atmosphere of the conference grow tense. After the young person's father made the accusation, his mother looked at the convenor and said, 'I don't have to put up with this'. Consequently, the convenor then interjected and said that she can see it is a difficult situation, but really they are not here to discuss the young person's mother's 'personal issues', but here to deal with the offence committed by the young person (Field notes conference 41).

Although this conference had become heated, the convenor intervened to control the disrespectful behaviour. This demonstrates the challenges convenors experience, and also the constructive way that convenors can intervene to effectively manage power relations if participants are disrespectful towards each other.

Intermission

The conference script includes an opportunity for the convenor to schedule a break. Breaks were held to give participants an intermission from the formal proceedings to discuss the

ideas that had been proposed for the outcome plan. While the format of a conference can foster positive exchanges, such as apology, sometimes this happens outside of the formalities of the on stage conference performance. In another shoplifting matter, during the conference break the young person took the opportunity to apologise 'off stage', as is reflected in my field notes:

As the participants started to return and take their seats, the youth worker mentioned to the convenor that the young person had apologised downstairs and shaken hands with the victim. The convenor joked and said that she 'misses all the good bits'. The youth worker suggested that it was a bit more informal downstairs (Field notes conference 10).

This demonstrates how the scheduling of breaks by facilitators can create opportune moments for positive interactions between participants outside of the formal conference proceedings.

Time out also functioned to give facilitators the chance to conduct private negotiations off stage while the formal conference proceedings were suspended. For example, convenors used this opportunity to talk informally with young people and their family members or to victims before bringing the group together to discuss the outcome plan as a group.

Brokering and directing

Ideally, conference participants are supposed to come up with substantive proposals for conference agreements; however, facilitators play a vital role in brokering agreements.

In some conferences, convenors conducted brainstorming sessions and the participants were actively involved in proposing ideas for the agreement that were unique to the situation. For example, in a conference for an incident of graffiti, the victims (local businesses) were angry with the co-offenders in the early stages of the conference. By the end of the conference the victims invited the co-offenders to put their efforts into making a community mural if they donated the space. This conference reflected the restorative outcomes that convenors and managers had told me about on numerous occasions. It had elements of symbolic and practical resolutions.

Despite these positive examples, often participants do not know what an appropriate outcome looks like (Daly 2003). Relying on conference participants to come to the conference with ideas for the agreement caused anxiety among convenors. Other convenors held conferences at specific locations with a view to incorporating some of the activities that the particular community or youth centre offered into the outcome plan. Some of the convenors I spoke to brought a list of community resources with them to every conference as a backup plan. So even though conference participants were encouraged to come up with ideas for the outcome, convenors use different strategies to steer the conference discussion to assemble a practical agreement. For example, in one conference where the victim decided not to attend, the young person and his parents struggled to come up with ideas for the outcome agreement. The dilemma for the convenor was that there was no one else at the conference, besides the police officer, to champion ideas. Consequently, the convenor proposed that an activity at the local youth club, where the conference was held, be included as part of the outcome plan, which the police officer supported and the young person and his parents accepted. Even though convenors were taught to avoid substantively contributing to the development of agreements, in some situations it was a practical necessity.

Back stage tasks

While there is a lot of ‘directing’ that facilitators can do on stage at the conference, the behind-the-scenes work carried out by convenors is crucial to understanding how facilitators effectively produce and direct restorative conferences. The nature of the ‘back stage’ work helps to create the necessary conditions for a good conference — finding the right people, rehearsing their roles, finding a suitable location, and also prompting participants to come up with ideas that could be included in a conference agreement. Dignan et al (2007) have described the function of facilitation in the ‘backstage’ spaces of the conference as consisting of a series of important tasks: ‘selecting the cast’, ‘allocating roles’, choosing a venue and preparing participants for their parts in the conference (Dignan et al 2007:8). In the current scheme, convenors were also expected to prompt participants to consider what they would like to see happen as a result of the conference, and what they would like to see included in the conference agreement.

Producing: Casting roles and rehearsal

During back stage work, convenors have the discretion to identify and select appropriate participants for each conference. While every conference had an identified offender and victim, it is up to facilitators to identify appropriate support people, police and other community members. These participants can function as a resource for convenors whose knowledge and experience they can draw on during the conference. Even though every conference included a new ‘cast’, many of the facilitators I spoke to had developed links with police and community members who they would regularly invite to the conference.

Because most people do not know what to expect at a conference (Daly 2003), a certain amount of rehearsal was required for each conference performance. One convenor felt the amount of rehearsal with participants created ‘a bit of an anti-climax’ at the conference — they knew what the participants were going to say. Yet, as discussed above, despite the coaching by convenors, offenders can get stage fright and forget their ‘lines’, and facilitators need to be able to intervene to manage conflict and crises if they arise.

Anticipating agreements

Convenors in the program I studied were expected to encourage the young person and the victim to consider proposals for the agreement to be discussed and negotiated at the conference, anticipating agreements before a conference. Accounts of restorative justice often focus on the decision-making that takes place at conferences, whereas this achievement is based on a series of pre-conference negotiations.

Convenors had different strategies they used in the back stage region of conferencing. Some convenors developed a range of contingency plans so that if the young person was thinking he or she would like to offer to do some voluntary work as part of the outcome plan, the convenor contacted potential organisations to make sure it was feasible. Other convenors held negotiations between offenders and victims prior to the conference to circumvent issues arising at the conference. For example, as one convenor explained: ‘I even run ideas past the victim so that when the time comes they’re not going to spend three hours arguing about it, they’ve had time to think about it.’

Discussing in-depth options for the agreement before the conference was one way that convenors could reduce the likelihood for disagreements and increase the chances of a consensus being achieved. Even though convenors regularly talk about the outcome as something to be decided at the conference, prior to the meeting contingency planning and negotiations take place to minimise unwanted conflict and expedite the conference process.

By conducting negotiations in the back stage regions, facilitators can create help to create a more predictable and therefore controllable 'on stage' conference performance.

The tasks and functions of facilitation need to be understood within the legislative and organisational constraints within which convenors worked. For example, they are expected to encourage participants to come up with options for the outcome plan, but these ideas need to fit within legislative guidelines. Therefore, importantly, a convenor is sometimes required to be directive, preventing some suggestions from being included in the outcome. For example, the conferencing guidelines suggest it is not appropriate to include school attendance as part of an outcome plan. To avoid 'setting the young person up to fail' by including school attendance as part of the agreement, a convenor steered the discussion away from the young person's schooling. A similar approach was used in another conference, when, rather than include a course at the youth centre as part of the outcome plan (because the course dates had not been confirmed), the convenor suggested that it be included as a 'recommendation' as a way of refocusing the discussion and excluding it from the outcome plan.

The topics discussed at conferences, and the development of conference outcome plans, are not only influenced by the situation — the nature of the offence and attitudes of conference participants (Daly 2006) — but also by organisational and legislative constraints, and the approach of the convenor and their assumptions about how justice *should* be achieved. Convenors bring knowledge, skills and experience to the facilitation of conferences. Therefore, facilitation is a vital element of practice and should be recognised to a greater degree in the restorative justice literature as distinct from the conference process itself.

Benefits of ethnography and dramaturgical analysis

The value of a dramaturgical framework is that it makes visible interaction between facilitators and other participants that is often taken for granted in descriptions of restorative conferences. Previous research documents the micro-level interactions that occur between participants in a conference (Rossner 2011), whereas the contribution of this article is to reveal how back stage work influences the conference performance. Combining ethnography and dramaturgical analysis reveals aspects of conference interaction that are often overlooked in the coordination of restorative justice rituals; namely back stage work conducted by facilitators including auditions, rehearsal and negotiations around agreements. Rather than assume that conference participants necessarily play the leading roles in a conference (Zehr 1990), it shifts our attention to the conducting role of facilitators to bring out the best performance by each participant at the conference.

Barton's analogy (2003), comparing a well-prepared and well-facilitated conference to the performance of an orchestra, implies that good facilitation is paramount for a successful reintegration ceremony. This is because every good restorative justice conference depends on the competency of the conductor. One of the main benefits of incorporating ethnographic techniques in the form of participant observation was that I was able to speak to practitioners about their work and observe first-hand *how* facilitators actually approached their work in conferencing. Observing each conference in the context of the back stage work undertaken by facilitators revealed the techniques and strategies that facilitators use to conduct restorative justice rituals. While Daly pointed out that it is often not realistic to achieve restorative outcomes in every conference (2006), there are a variety of facilitation strategies facilitators use to achieve both symbolic and practical outcomes. This article has

discussed some of the approaches used by facilitators in a youth justice conferencing context.

The metaphor of convenors as conductors, producers and directors is powerful to give weight to the idea of facilitators as *active* participants in the conference process. The role of facilitators is usually described as preparing participants and guiding them through the decision-making process, although they are not expected to play a substantive role in the discussion or outcomes (Barton 2003). This article reveals a more complex story by showing the work required to effectively choreograph restorative justice conferences with young offenders. As I have argued elsewhere (Bruce 2012), research on facilitation remains underdeveloped and further research should consider the application of the models and practices of facilitation to other criminal and non-criminal justice settings, including comparative approaches, to understand the strengths and weaknesses of different facilitation models.

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