

FAMILY GROUP CONFERENCEING AS A FIRST CHOICE: EMPOWERMENT VERSUS INTERVENTION

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Introduction

Daily practice with family group conferencing (FGC) in the Netherlands demonstrates that citizens, who are energetic and creative by nature, are willing and able to take responsibility for their own lives and for repairing wrongdoing and its effects. Experience with this practice to date contradicts the limited expectations of official agencies and organizations. The positive results of this restorative practice contrast with its still limited practice in the Netherlands: only 500 conferences have been held in four years. Social science has also paid little attention to the possibilities of restorative practices, compared to the attention that has been paid to traditional criminal justice practices. The notion that families can have a leading role in repairing what has happened is an unusual idea in contemporary society. This article is a plea for a more intensive use of restorative meetings as a model that results in supporting and reinforcing the social structure of our society.

Implementing inspirational ideas from abroad has its own dynamics. One of them is adaptation to the culture and language of the receiving country. We did not want to add yet another English phrase to our national jargon. Therefore, we decided to call FGC “Eigen-kracht conferentie.”

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Eigen-kracht means using the strengths and power available within the immediate family and social network. *Conferentie* means “conference.” Therefore, the international link is maintained with the “conference movement” in different parts of the world.

Inspiration

The development and implementation of *Eigen-kracht conferentie* (EKC) in the Netherlands derives its inspiration from the interesting changes in the child welfare system in New Zealand. There, in 1989, the management of problems with children and families, and the solutions to those problems, were regulated in the Children, Young Persons and Their Families Act. Under the act, before a professional intervenes, the family has the legal right to make a plan and decide for themselves what should happen. This law addresses not only the government’s obligation to protect children when their own family fails to do so, but also the government’s limitations in carrying out that obligation. The government is greatly disadvantaged, compared to the system of family and friends, when it comes to real protection of children and creating a better prospect for the long term.

Attempts to create a legal framework in the Netherlands for *Eigen-kracht* are at a beginning stage. An amendment to anchor EKC in the Dutch Child Care Act (commencing date 2005) read, “The first preference is a plan made by the client and his family.” Unfortunately the amendment did not pass, because the timing was not favorable. The next opportunity for passage is in two years, when Parliament will evaluate this act.

Two options

When the principles of family group conferencing were brought to the Netherlands in 2000, two models were introduced: the so-called “family group decision making” and “youth justice” models. The latter model is generally offered if two or more families are involved, usually after a conflict involving members of different families, to repair the damage caused by misconduct. Victims and offenders, surrounded by their respective family and social networks, have the opportunity to discuss the current situation, reach solutions and restore the damage done.

When problems or issues arise within a single-family system, as, for instance, in cases of domestic violence, family group decision making is used. This provides a framework for the family to solve problems and make decisions when they are at risk of “strangers” or “outsiders” making decisions for them.

“Develop both models in a manner appropriate to the Netherlands,” was the recommendation of the advisory group when FGC was intro-

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duced in the Netherlands. That recommendation was implemented, and it proved to be a very good idea. While the models have been developed and introduced separately in their respective contexts, at this moment, after four years, they are converging more and more. They are also profiting from each other's development. The resemblances are much more numerous than the differences. In both models, citizens actively participate in discussing and determining a plan for the presenting problems, with support from their family and social networks. The differences concern mainly the question of whether the problems affect a single family or two or more separate families. Each situation requires a somewhat different type of participation. Further differences have to do with the way in which institutions in our society have organized their work.

Two Simple Models

EKC is a new model for the Netherlands: Members of the family and social network maintain the responsibility for serious decisions about problems regarding the child or the family. Eigen-kracht stands for decision making; it is not social work, guidance or assistance. The conference is not an intervention but a means to empower families. After professionals provide the family with information, the family group discusses in private what must happen to help the child or the core family in need. No "third parties" are present. The family creates a plan that they think is necessary. This plan is offered to the referrer or case manager and is accepted, unless it is not safe or legal. Afterwards, the family and the referrer cooperate in the implementation of the plan, as set forth in the plan. The intention is that even after the conference, the family remains the "owner" of the implementation of the plan.

Youth justice conferencing enables citizens to have a constructive dialogue with everyone who has been affected by what has happened. The participants are victims, offenders, members of their families and social network and others directly affected. The core of the restorative meeting involves holding offenders responsible for the offense that they have committed. In the meeting, offenders can tell what has happened. Everyone else describes his or her experiences with the impact of this behavior and can ask their questions. The exchange of feelings and ideas reduces the negative emotions that have arisen from the incident, and this makes it possible to develop a restorative plan. All participants can contribute to making this plan. The coordinator is only a facilitator of this process. The largest youth justice conference in the Netherlands included 32 participants and lasted nearly two hours, with 16 hours of preparation.

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Convergence

In the four years since the introduction of both models, some “mixed forms” have arisen—not so much in the structure of the meeting or in the technique of facilitating, but in the objectives of the use of the separate models. In hindsight, this seems a natural development. But in the beginning, the reality was that the term “restorative,” and therefore restorative conferencing, was associated with the criminal justice system and school discipline policies, whereas EKC was associated with the child welfare system. Government partition of programs into discrete sectors contributed to this separation. But victims, offenders and clients have a different perspective, and that has moved us toward the difficult task of combining the two models.

In both approaches, the success of the model depends on individuals, as opposed to professionals, taking responsibility for their own circumstances. Individuals derive support from a network of family, friends and acquaintances.

Both models use similar questions: “What has happened?” “Who has been affected?” “Whom does it concern and in what manner?” “What outcomes are possible and desired?” “What resources are available?”

Conferencing turns the system upside down and puts the needs of individuals first. If you understand that, then models aren’t important anymore. You can combine models and change them according to the needs of the family.

The FGC and Real Justice scripted conference models were combined in a case in which a father had murdered the mother of two young children and was in prison. The extended family was scheduled for an FGC to address the needs of the children, who had, in effect, lost both their parents. The two sides of the family, however, were not emotionally ready to work together on the problem. Instead, a Real Justice conference was held, focusing on the feelings and thoughts around the murder, using scripted Real Justice questions. Proceeding around the circle, everybody had a chance to have his or her say. The family took a break for lunch, then came back and did an FGC about the needs of the children, which was very successful. The hard feelings the two families had for each other had been softened by the Real Justice conference, so that the FGC could work.

Both of these approaches are consistent with the philosophy of the “social discipline window” (McCold & Wachtel, 2002). This states that the restorative approach, which combines high levels of both support and control, is most effective in social discipline situations. This concept can apply not only in schools, neighborhoods, organizations and other public venues, but also “behind closed doors,” where violence takes place in families and children are maltreated or neglected.

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Since both these models involve returning responsibility to citizens, a new question arises: What is the role of the professional?

Before exploring that question, I would first like to address the results of evaluations of these two models, because without confidence in the viability of the models, the question is irrelevant.

Results of EKC

EKC in the Netherlands has been studied by WESP, a Dutch research organization. Although we had faith in the numerous international research studies, we felt the need to confirm these results in the Netherlands. WESP has examined three projects (van Beek, 2002, 2003), looking at the first 50 EKCs in the child welfare field, the first 35 youth justice conferences and the introduction of conferences to address domestic violence.

The general conclusions are that the Dutch data support recent international developments: Families take responsibility; they effectively take part in the process; they answer the aforementioned questions and address needs; they make safe arrangements and develop plans that are likely to be implemented. Using a conference helps empower families to put an end to domestic violence.

The first 50 EKCs have been systematically examined. The model works. If invited, family members will participate in conferences, with an average of 15.8 people participating in each conference.

All plans were accepted by professionals, who judged the plans to be very creative. Plans developed by the families each included an average of 17.8 components, addressing such questions as “How can the violence stop?” and “Where can the child live safely?” Plans that are developed by professionals are evidently based upon the knowledge and network of the professional. Families base their plans on their own specific network of resources, to which professionals have no access. So to professionals, those plans seem creative.

Families assume 80 percent of these plans as their own responsibility; 20 percent include requests for help from professional agencies. That’s very important to note, as it shows that professionals are doing work that families can do themselves. All plans go beyond the usual functions of child protection and welfare and force cooperation among agencies, e.g., child welfare, debt relief, labor, education, justice, health care and housing. Nearly 60 percent of the agreements made by the families have been carried out after three months. Families rated their appreciation of the conference at an average of 7.4 (on a scale of 1 to 10) and of the plan at 7.9. Professionals also showed high appreciation rates: 7.9 and 7.8 respectively.

An evaluation in which families will be followed for two years is now in the preparation stage.

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Outcomes of Youth Justice Conferences

Data from the first 35 conferences have been systematically examined. Despite expectations, the restorative meetings addressed serious offenses, including violence and threats. An average of 9.7 people participated in each conference. The conferences ran an average of 74 minutes, with facilitators spending almost 10 hours on preparation.

The participants developed plans in which both actions and intentions were addressed. (An example of an action is: "John has apologized" or "John will clean the building." An example of an intention is: "I will never do it again" or "Next time I get angry, I will talk to Mrs. Jones.") Open conversation, apologies and intentions strongly provided for the needs of victims. Action plans stemming from the conferences generally consisted of obligations that offenders agreed to fulfill, including actual reparation, but a more common result were plans that focused on prevention and behavioral change. Victims and offenders and their families rated their appreciation of the conference at 7.9.

An interesting question is whether the restorative plans are in fact carried out. In 26 of the 35 meetings, the implementation of the agreements has been examined: After three to six months, both offenders and victims were asked to report on their current situation. In 17 cases, the offenders reported a positive change. In two cases, no change or a decline was reported. In 15 cases, victims communicated that a positive change had occurred. It was clear that 88 percent of the agreements had been implemented, 3 percent had not been implemented and 9 percent had not yet been implemented but are expected to be.

Outcomes of Domestic Violence Cases

This year a project was concluded in which women, after leaving a violent situation at home, could make a plan for their future using an EKC. From a total of 32 cases, only a limited number of conferences were held. When a conference was the formal ending of the case, it produced a safe plan in all instances. It was remarkable that engaging a circle of family members and other concerned people in coming up with a solution was often a sufficient means for achieving important goals: Violence decreased considerably and in most cases stopped entirely; balance within the family was restored; and the situation became safer. Empowering a group of people who can provide the basis for and commitment to a plan proved to be an effective means of solving serious problems and restoring balance within families.

The Meaning of the Data

The outcomes of the three aforementioned evaluations accord with recent developments in international research. There is still too little

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research to make firm scientific conclusions. However, it is remarkable how well these models connect to the needs of citizens to repair situations that have gone wrong, using their own commitment and resources. The number of people who expressed satisfaction with conferencing is remarkable, especially when compared to the way victims, offenders and others rated their experiences with the traditional responses of public agencies. These models obviously have implications for the relationship between government and its citizens. The second part of this paper will address this relationship.

Responsibility and Needs

Returning responsibility to citizens, whatever their role may be with regard to the government (client, offender, victim), is possible only if models for returning responsibility suit personal needs. Concerning the impact of delinquency for victims, this means recognition and confirmation that what has happened was unfair and undeserved; hearing and seeing the offender (and the offender's family); receiving an apology; and receiving answers to questions about what has happened and assurance that it will not happen again (Zehr, 1990). Nobody but the offender and the people close to him can best answer such questions. Offenders must take responsibility for their actions; without that there can be no Real Justice conference.

Victims have lots of needs—the need to restore the feeling of safety, for instance. The conference is such a serious process; such deep, serious things are said, and it's because of the serious character of the offender's assurances that the victim can build a new feeling of security and control and restore the power in his or her own life situation.

But victims must be active in the process as well. It is the responsibility of victims, with the information and experience of the conference, to restore their own sense of safety. Offenders can only do so much: They can apologize; they can promise never to do it again (actions, intentions); but it is the victims' choice whether to accept the apology and believe the offenders' intentions. In that way they are active; it's not a passive thing. In the restorative circle, both the victim and the offender need to engage in the process.

For offenders, taking responsibility also means taking steps to rid themselves of the offender label. They learn what effect their wrongdoing has had on a victim; nobody but the victim and the people close to him can better explain the impact to the offender. They learn about how certain behaviors affect others and what behavioral alternatives exist (Johnstone, 2002). Then they apologize; they reassess their future behavior in light of what they have learned; and they come up with ways to repair the harm that has been done. A restorative confrontation

between a victim and an offender can be the push someone needs to make a positive change (Ido Weijers, 2003).

When using EKC as a decision model, the core need is for the family to take control of its own situation. By holding a conference—with the benefit of the information of professionals—the family is able to privately create a plan for the future. Family members remain the “owner” when the conference takes place in their time and their place, with their people, in their language and with their customs and traditions. An independent coordinator is used to ensure that everyone who is connected to the client or family can take part in a safe manner, and that the responsibility for the problem and its solution stays within the family. The family group should also take ownership of the implementation of the plan that it has developed in the conference.

Slow Implementation: A Hypothesis

From the above comes the notion that the principles of family group conferencing demand a new form of citizenship. The development of both EKC and restorative conferencing leads to a change in the relationship between families and professionals. This change in relationship implies a paradigm shift. From international research, we know that this can lead to tension whenever the model is introduced in a field dominated by professionals (Doolan & Nixon in Van Pagée, 2003). In the Netherlands, we are in the midst of this process and very much feel the impact of this struggle.

The results of the experiments with both models in the Netherlands correspond with what has been demonstrated internationally. If asked, families will take responsibility for taking care of their loved ones when the impact of wrongdoing must be repaired and important decisions regarding child care and discipline must be made. Since the completion of these evaluations, the number of conferences has more than quadrupled. Nevertheless, when compared to all the decisions made in family services, this is not a large amount. This situation raises the following questions: Why is implementation going so slowly? Why doesn't the social response to misbehavior, crime, neglect and violence in families embrace these models more strongly? In the search for solutions to social needs, why isn't there more room for elements of restoration and for utilizing the strengths of individuals and families?

Hardly any individual (professional, politician or administrator) is against empowering citizens and giving them the responsibility for their lives. Bringing this into the mainstream, however, is extremely difficult. The objections are always on an organizational level. The systems of child care, education, welfare and justice are not organized to trust families and citizens. “You tell me that I have to supply the budget for families

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so they can make their own plan and make a decision about help, and then they do not use the services I provide,” was the typical response of an agency administrator. “That is not the way I am financed.” The barriers for implementing FGC are within the system. FGC consequently requires system change, and that requires input from much more than just a group of “believers.”

Analysis of the Dutch implementation of the models highlights the way the welfare state operates: The professional authority charged with responding to antisocial or criminal behavior and its impact on families has not only developed itself into an agent of change in individuals and families, but also into a primary decision maker concerning that change.

Creating Space

A goal of restorative practices is to create a new paradigm for the treatment of problems arising from wrongdoing or misconduct (Goedseels, 2002). The paradigm shift here is that citizens, not authorities, should have primary responsibility for and be active in repairing the damage. These processes will only succeed if professionals function solely as facilitators. Thus, the task of coordinators in preparing for restorative conferences and EKC's is to make the circle of participants as inclusive as possible, to ensure the safety of participants and to organize the relationship with professional institutions. They should not offer opinions or solutions. The moment a coordinator gives opinions or introduces sanctions, he no longer functions as a facilitator, but instead becomes either an official authority or a participant himself. To ensure broad implementation of the models, it is necessary that professional institutions, either in the criminal justice or the child welfare system, reevaluate their role and focus on their position as *facilitators* of behavior change in individuals and families.

Restorative Conferences and the Justice System

In the four years of development of restorative conferences, it is clear that the model has remained marginal within the criminal justice system. But it is not necessary to embed this model in criminal law. The core business of the criminal justice system is to determine guilt and administer proportional and uniform sanctions. In general, this process ignores victims and, unfortunately, most offenders; it deals with only one part of the reality of citizens. Or as a magistrate once said, regarding restorative justice conferences, “Your model has a comprehensive orientation toward crime; we can only address the plain facts.” In this respect, this new development and the world of criminal justice remain separate. However, this is not entirely true, because the Dutch prosecu-

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tor general has presented a statement concerning the use of restorative justice in criminal law procedures (Berghuis, 2002). The core of this statement is that:

- The prosecutor's office is, in principle, in favor of restorative practices, providing that the model respects the wishes of victims and that they are willing to participate voluntarily.
- The prosecutor's office can determine a period of time within which a conference must take place. There should be absolutely no promises or guarantees made about the outcomes of restorative processes. However, it must be made clear that even if the offender and victim come up with a restorative plan, the prosecutor can still, after examining the plan, choose to prosecute. Otherwise, the prosecutor general fears, offenders will take part in conferences merely to avoid prosecution. On the other hand, during the trial, the offender's lawyer can emphasize what restoration has taken place. Judges are usually receptive to this.
- The prosecutor's office is prepared to consider the outcomes of restorative processes in the sentencing process if the guarantees of voluntary participation, transparency (concerning the way in which the outcome has come about) and quality (of those who facilitate the process) are satisfactory.

Prosecution policy regarding domestic violence leaves room for the use of restorative practices and family empowerment. In mid-2003 the prosecutor general gave a directive to the police force and the prosecutor's office to tackle domestic violence more effectively. An important main point of the directive is that treatment of the offender should be incorporated at an early stage in responding to domestic violence. An effective long-term solution can be realized in this way.

From Canadian research (Burford & Pennell, 2000) and from early Dutch experiences, it is clear that bringing domestic violence out in the open, along with the willingness of the police force to offer conferences, can be very effective in stopping violence.

Selective Use

At this point, the government's position regarding the use of the models has only been partially determined. Representatives of the criminal justice system recognize that the models might be useful. The Dutch police force is a forward-looking institution, but current policy concerning core police functions incorporates the models only on an experimental basis. In fact, the restorative justice and family group conferencing models are used by professionals for the most part only

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in preventive programs, such as those in schools, or those in child care and youth protection.

Although needs-based work is the key starting point in child welfare and youth protection, citizens do not have visible access to these models. Access remains in the hands of the professionals. They specify whether victims, offenders and their respective families and networks are offered a restorative conference and whether they are able to make a plan for the future using their own strengths. Professionals act on the basis of their expertise: They translate these empowering models into social work interventions and methods, make them part of their professional expertise and retain ownership of the models. The choice concerning participants, location and the question of whether a conference will be effective traditionally relies on that expertise.

Professionals are the gatekeepers of the model. When a professional believes that trained and experienced specialists make the best decisions or is skeptical about the potential and value of plans made by citizens, no conference will be offered. When a professional believes that the moral development of an offender is lacking or believes that this offender or victim is not ready for other reasons, no conference will be offered.

There may be risks inherent in conferencing, but the real issue here is that professionals doubt that citizens are capable of taking responsibility for their own problems. It will be interesting to examine how empowerment eventually develops when families take the lead in asking for their own conferences. The assumption is that an independent coordinator who begins by finding healthy and solution-focused family members will have a sufficient foundation for avoiding any danger. Now it's professionals who say: "We offer you a conference. We don't offer you a conference." The goal is for families to be able to say when they want to have a conference. That is beginning to happen now, and it's very challenging and exciting.

Furthermore, once you start empowering people, not every case develops into a formal conference. In domestic violence cases especially, we see instances where we begin the conference process, spurring the victim to notify several family members or friends about her situation. Then because she has made the circle bigger, the family starts to become active. Then if the family comes up with a plan or an agreement, and social workers or professionals (if necessary) are happy with it, we're done. We call that an informal conference.

Requirements of Democracy

After a conference, professionals frequently relate their surprise about the participants' commitment to the conference process and

the elements of the restorative plan. They use phrases like “above expectation,” which says something about their perception of the strength of individuals and their families. The professionalization of child welfare and conflict resolution has become so pervasive that the capacity of citizens to solve their own problems is no longer considered a possibility.

For the most part, citizens are not expected and are almost never asked to resolve their own conflicts or devise their own solutions to problems. Now, citizens must wait and see if their problems fit the criteria that have been set by others. These criteria generally are determined by the bureaucratic structure set up by professionals. This makes empowering citizens complicated; it patronizes people, is unnecessarily bureaucratic and increases work costs. In addition, it obstructs the development and implementation of restorative practices and the use of citizens’ own strengths. As a result, citizens are often not informed of the possibilities of restorative practices or the chance to make a plan themselves before the government representatives intervene; no public information exists in this area.

The Australian criminologist John Braithwaite has said: “Democracy is becoming more shallow in its meaning for human lives. The lived experience of modern democracy is alienation. The feeling is that elites run things, that we do not have a say in any meaningful sense.” Conferences can serve as “...a crucial vehicle of empowerment where spaces are created for active responsibility in civil society to displace predominantly passive statist responsibility.” It becomes urgent that this choice be widely offered to citizens in an impartial manner. Given the positive results so far, it offers us a safe, simple and inexpensive means of empowering citizens, which can contribute substantially to strengthening the social structure of our society.

From Intervention to Empowerment

The final conclusion is that, with the implementation of the models discussed, an important change has been initiated in Western European society. In many areas, such as education, art and labor, and also in child welfare and criminal justice, we see that the vision of citizenship is changing. This is especially true in the political field. The responsible citizen is ready to choose another value system.

The old way of looking at citizenship is interventionist. For many decades, society was seen as moldable: enough very specific interventions were thought to create a happy society. See a problem; develop a program; solve the problem. But interventions by professionals in the lives of citizens often do not succeed, and, in the end, often all the energy is put into resistance.

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In one case, a father set his house on fire because he was very confused. Six of his children died in the fire. It was a disaster. It was also a political disaster. Six social work organizations were involved with the man's family, but none helped to prevent the disaster. The typical reaction of politicians is to create a new program. In this case, a whole system of family coaches was created: a new intervention as an attempt to prevent such disasters in the future. But the only problem it solved is the one the minister had with the press, since she was able to tout her new program.

Now we say, no, we don't want to mold society. But the whole system, including the financial system, is focused on throwing money at problems. The whole helping service is an interventionist system. See a problem; make a new program. See another problem; make another new program. But there's a lot of confusion now in our society, a lot of discussion. Since people are educated and have access to information, citizenship is changing, and we no longer accept society's view of how we should behave.

More and more citizens are announcing their (political) dissatisfaction. They ask that more and more attention be paid to the possibility of letting citizens take responsibility for decisions that touch their lives. A recent study in the Netherlands, asking child welfare clients what they want, taught us that they want three things: control over their lives, information about the available possibilities and cohesion in services (van Beek, 2003).

Professionals delude themselves with the notion that they can mold people by means of their interventions. But professional interventions cannot compare to fundamental forms of empowerment, in terms of effectiveness. Thus, the regular use of restorative practices is worthy of closer examination and broader discussion, not only because the best solution is for the family and their social network to come together in a circle to solve their problems, before professionals intervene, but also because it will give insight into new societal relations between government and citizens.

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