

## CONVERSATIONS ON RESTORATIVE JUSTICE

# A talk with Karin Sten Madsen

Albert Dzur\*

Karin Sten Madsen is a social worker, psychotherapist, mediator, with a Masters degree in restorative justice. She has been a mediator with the victim-offender mediation service in Denmark, introduced restorative approaches at the Centre for Victims of Sexual Assault in Copenhagen in 2002 and has since been engaged in various projects on developing and appropriating restorative practice for victims of sexual violence and historic sexual abuse. She has presented her work at various international conferences and been part of the European Commission Daphne project<sup>1</sup> on restorative justice and sexual violence and the European Commission project on restorative justice in cases of domestic violence.<sup>2</sup> In connection with the Daphne project she co-authored: *Doing restorative justice in cases of sexual violence: a practice guide* (2015). She has been the co-editor of a Danish anthology on sexual violence and restorative approaches in a therapeutic setting and most recently published a website with narratives about the aftermath of crime ([www.tidenefter.nu](http://www.tidenefter.nu)).

### 1 Restorative justice in Denmark: late blooming with sparse growth

*Dzur:* In comparison to other European countries and especially other Nordic countries such as Norway, restorative justice was late to bloom in Denmark and is still off to a pretty rough start. First, do you think that is accurate and if so, why do you think this has happened?

*Madsen:* Yes. Thanks for putting the question. I don't have a clear answer about why this has been so, but I asked several people why they think this is the situation in Denmark. I had lunch today with two friends who have been involved from the very start. They are both at the University at Copenhagen, both lawyers. One, Ida Helene Asmussen said that she had actually discussed this with Nils

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1 The project was entitled 'Developing integrated responses to sexual violence: an interdisciplinary research project on the potential of restorative justice' (Daphne III – JUST/2011/DAP/AG/3350) which was coordinated by the Leuven Institute of Criminology, KU Leuven (Belgium) with the financial support of the European Commission – Directorate-General Justice.

2 The project was entitled 'Restorative justice in cases of domestic violence: best practice examples between increasing mutual understanding and awareness of specific protection needs' (JUST/2013/JPEN/AG/4587) which was coordinated by Verwey-Jonker Institute (the Netherlands) with the financial support of the European Commission – Directorate-General Justice.

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Christie before he died and asked him why the situation in Denmark and in Norway is so very different. Well, he would not point to himself and say it's because Norway had me, but I certainly think that is one of the reasons why the development has been so different. But there are all sorts of reasons. Denmark is geographically a different country from Norway. They've also had a Minister of Justice who was very interested in promoting restorative justice. So, for many reasons it is very different. But during Ida's conversation with Nils Christie, he insisted that there was no solid answer to the question.

The thing is that there has been no interest, no *real* interest, in Denmark. We have not had any politicians who were interested in this field, nobody who thought they could take this on as something that they would promote. Not even because it could advance their career. For the time being, and it's actually always been like this, I wouldn't know whom to contact in the Ministry of Justice about restorative justice or victim-offender mediation. The ministry has done research on the victim-offender mediation service so I'd know which researcher to contact, but as for the civil servants, I wouldn't know whom to call.

*Dzur:* This is especially striking because you played a role in the development of restorative justice in Denmark. You were part of a commission with the Ministry of Justice promoting victim-offender mediation in 2008.

*Madsen:* Yes, I was part of it. The commission started working in 2008 and the law was implemented in 2010. Before that, victim-offender mediation had been tried out in small pilot projects. The last one, administered by the Danish Crime Prevention Council, started out in 1998 in three police districts close to Copenhagen.

It ran for three years, and then after three years it was actually closed down, more or less. The intention or hope was that the project after evaluation would progress into a permanent nationwide service. But that didn't happen. The government was at that time relying on a right-wing party, the Dansk Folkeparti (the Danish People's Party), who were against anything that could be of use to offenders. More punishment is their mantra.

And that is another reason why restorative justice has not bloomed here. We are a very punitive country. There's little experimentation with other forms. We have different kinds of punishment. But as my friend this morning said, we have a rule of law which is so strict in Denmark that anything experimental is actually out of the question. I'm not a lawyer, so I can't go into the details, by my lawyer colleague Lin Adrians identifies this as a barrier.

*Dzur:* In other words, there's a commitment to criminal justice as a punitive force, but also a commitment to what you could call 'procedural fairness' which prevents what perhaps are seen as loose experiments.

*Madsen:* Right. The victim-offender mediation project that started in 1998 was more or less closed down in 2003. It was since prolonged several times but it was restricted and financially starved and I would say kept alive by a few enthusiastic policemen who had caught on to the idea and a handful of devoted mediators who

wouldn't let go. We hung on to what I call the longest pilot project we've ever had in Denmark! It lasted for over 10 years.

*Dzur:* So you were still continuing to receive state support, through salaries and other assistance?

*Madsen:* The police still did referrals, and the mediators were paid by the Danish Crime Prevention Council for their service. Mediators back then and now are lay-mediators who've been trained and receive a fee per case.

*Dzur:* In this pilot project, are these cases still being prosecuted? Is mediation running parallel to the normal channels of criminal justice, rather than serving as a substitute?

*Madsen:* Yes, that is the way it worked during the pilot project and that is the way it works now by law.

In 2008, a commission was appointed by the Ministry of Justice to propose the organisation of a permanent and nationwide scheme. I was on the commission representing a small society of people interested in conflict resolution and mediation. I'm not quite sure why they wanted somebody from this small society to join all the heavy ministry representatives around the mahogany table, but there I was as the only one who had hands-on experience.

*Dzur:* With the people in suits?

*Madsen:* Yes, but also representatives from victim organisations and the university. Many of them had never heard of restorative justice so they had to learn from scratch what this was all about and some were – well, not dismissive but sceptical about the idea.

## **2 Restorative justice and politics: communicating the value of a new approach**

*Dzur:* I'm curious about this kind of discussion, where someone who knows the value of this approach has to communicate it to people who really have little knowledge of it. Do you remember the sorts of things that you said to help people understand something that they've never really experienced?

*Madsen:* I don't remember what I said, but I remember that there were two other members of the committee who had already been promoting restorative justice. One was a professor of criminology and the other was a law professor. They both wanted to promote the idea of victim-offender mediation and they also wanted to promote it as an alternative. Not for *any* crime at *any* time, but they wanted to have a pilot try-out to test mediation as an alternative for certain young first-time offenders. The discussions around that topic were uphill and a few times we'd meet before a committee meeting not only to think of a strategy, but also to simply support each other instead of pulling our hair out.

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*Dzur:* In that meeting, you must have been confronting conventional ideas prominent in politics, as you have mentioned; namely, that punitiveness is necessary for criminal justice and that anything that looks like mediation brings in unpredictability and possibly a degree of unfairness to a process. Do you remember having to deal with those kinds of arguments?

*Madsen:* Well, as the committee was not to consider *whether* to introduce victim-offender mediation or *whether* victim-offender mediation should be an alternative to punishment, we only came close to the Crown Jewels so to say when discussing the suggested pilot try-out. During the ongoing pilot project, participation in mediation could be and had been a mitigating circumstance and reduced some sentences. Fortunately, there was no objection in the commission to maintain this practice and it made its way to the law on victim-offender mediation.

*Dzur:* So the question was, then, how big a change is possible?

*Madsen:* Not big. The commission played it safe also when it came to other issues. Such as where the victim-offender mediation service was going to be placed? Was it going to be placed within the national police? Or would it be better off outside the criminal justice system? What would be the name? New start – new name?

Because Norway has a prominent position when it comes to restorative justice, the commission members looked to Norway. Even though there were people visiting from Norway advising us to change various parts of their model, the commission more or less adopted the Norwegian way. What they unfortunately did not adopt was the money and resources that are allocated to the victim-offender mediation service in Norway.

*Dzur:* The ‘Norwegian way’ meaning that mediation would be part of the Ministry of Justice and funded in that way?

*Madsen:* Yes. We also continued with the name ‘Konfliktråd’, which the Norwegians have used to name their victim-offender mediation service. I opposed that.

### **3 Language matters: difficulties in finding the right name**

*Dzur:* Can you explain why you opposed using the same name as the Norwegians?

*Madsen:* In the Norwegian, now also in the Danish, victim-offender mediation service is called ‘konfliktråd’ which is ‘konflikt’ – ‘conflict’ – and ‘råd’ – ‘council’. Konfliktråd is a name that many people in Norway have also opposed, but which was supported by Nils Christie.

*Dzur:* I’m curious about your resistance to this terminology.

*Madsen:* One question is whether you can call a crime a conflict. A conflict can be between two people who have the same position, whereas a crime, such as when somebody has assaulted somebody, seems to have a different power structure. There’s always a power structure in conflict, too, we know that. But somehow

conflict is more common, it's part of our common language; everybody can have a conflict with everybody without it being a criminal matter.

*Dzur:* Conflict implies a relationship too, in some sense. Two businesses have a contract and the contract is violated, and therefore they go to court. But in, say, a case of sexual violence, there may be no relationship prior. Or in a case of theft or burglary, there may be no relationship prior.

*Madsen:* Exactly, no relationship at all. And then, the second link of the word 'konfliktråd' is 'råd' and here's a problem too. 'Råd' has different connotations in Danish because it can mean a 'council of elders' who get together and talk about a problem or question. But, 'råd' also means 'advice', and this is very far from what I think we're doing – we're not giving advice. So that advice connotation is a problem.

*Dzur:* Words really do matter. Nils Christie himself never liked using the words 'restorative justice'.

*Madsen:* In Danish, 'restorative justice' translates into a phrase that to me and others sounds strange and unfamiliar. It doesn't ring a bell. What on earth is that? That is why in Danish we often use the English phrase 'restorative justice', as if that is easier to explain! So, language-wise, I would say that we're slightly in high water.

#### 4 Restorative justice for victims of sexual violence

*Dzur:* Let's talk about your work with victims of sexual violence. Did this work emerge out of the pilot projects in restorative justice we have been talking about or was it separate from that?

*Madsen:* Well, a couple of years after I started as a mediator in victim-offender mediation, Konfliktråd, I also started working at the Centre for Victims of Sexual Assault at the University Hospital in Copenhagen, but I saw no connection between my work as a counsellor at the hospital and my work as a mediator. I was doing victim-offender mediation with the police out there, and I was doing another kind of work at the Centre for Victims of Sexual Assault. They had nothing to do with each other. I never dreamed of combining the two. Though never said outright, it was somehow understood that the victim-offender mediation service did not take on sexual violence cases, nor domestic violence cases. And at the hospital it was not at all a matter of me thinking that restorative justice could fill in something lacking in my work there. Not until I was pushed into thinking about it when I was asked directly by a patient.

She had been raped by a friend and she had been in treatment for six months. She had not reported it to the police. At some point she said to the psychologist, who was seeing her for treatment that she was actually not improving. On the contrary, she was getting worse. She kept thinking that she would meet the offender somewhere. She was afraid. She kept seeing him everywhere: in the bus

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going by, or in the shop window. She was getting more and more paranoid and actually isolating herself. And then she said, 'I think what would be helpful for me now is if I could sit across from him and talk to him. Will you help me?'

So that is how it all started. We were very surprised, no actually shaken by the request and did not know what to do. We were a centre for victims, it was not our call to deal with offenders. The victim-offender mediation service did not take on either unreported cases nor cases of sexual violence, but we understood that we were facing something we could not reject. So when we had collected ourselves we said, 'Alright, we'll have a go at it'. I wouldn't say that I at the time had become an experienced mediator but I had solid knowledge of sexual violence and with the support of a courageous consultant we launched into what later became an integrated part of the Centre for Victims of Sexual Assault: the possibility of having a facilitated conversation with the offender.

*Dzur:* I wonder, with victims of sexual violence, is it always the case that it is the victim who requests mediation, and that's how it goes forward? Or are there situations where you are working with a victim and it becomes clear to you that it would be a good idea to suggest that the victim meets the offender?

*Madsen:* This brings up the question of whether to be reactive or proactive, which I think is very interesting – and tricky. It took us quite a while to find our way at the hospital. In the beginning we were very, very careful and only brought up the possibility when we were either asked directly or mostly indirectly. As we gained experience and confidence, we started mentioning the option if we thought this might be a good idea for the victim. But who were we to decide, we then asked ourselves. Quite a few times we'd been surprised by victims we had not imagined would want to meet the offender. So the final step was to print a leaflet about restorative conversations as we called it and to post it on the website of the centre. Everyone should have the possibility of choosing for herself and by making it 'public' on the website it became less peculiar to ask for.

*Dzur:* So how did victims or patients manage to get the offenders to go to the mediation?

*Madsen:* It was challenging because we as hospital employees were not allowed to contact anyone not related to a patient, so we had to develop a procedure of the patient/victim contacting the offender. They did this by writing a letter or a long text message. Letter writing is a common tool in therapeutic treatment, but in this case it was different because the letter actually had to be sent. Usually you just keep it and use it for therapeutic reasons, but this letter, you both had to send and endure the waiting for an answer. That developed into a skill, I would say, of how to assist writing a letter that was stating, 'I feel that I have been sexually assaulted. I am devastated and fu... angry', yet at the same time inviting the receiver of the letter for a talk. The letter had to be balanced to serve the purpose. For some victims it came easily, for others it took weeks and sometimes months to find the right choice of words and be ready to send it off.

*Dzur:* I can imagine. Also, I wonder, by answering such a letter, wouldn't the offender be admitting criminal liability?

*Madsen:* No one admitted to intentionally having forced the victim to a sexual intercourse. It is not very often that there is a full admission of guilt in cases of sexual violence. Neither in reported or unreported cases. Admitting to having forced a woman to having sex with you doesn't seem to go well with a masculine self-image. Most offenders will agree that *something* has taken place but that it was voluntary. It could sound like this: 'Well, maybe it should not have happened. Maybe it happened too fast'. Or: 'We were both very drunk and I didn't hear her say no'. Or: 'It was stupid to have sex on our first date, but I got the impression she liked it'.

*Dzur:* Was there anything in the letter that would offer protection against criminal prosecution?

*Madsen:* There was nothing in the letter that could offer protection against the victim reporting the assault and I am sure that some of the men refused the invitation for that very reason, imagining that a policeman was hiding behind the door ready to jump on them. I also know that some consulted with a lawyer before answering the letter or turning up for a preparatory meeting with me.

So during the preparation, where I spoke separately with both, I had to address these questions: How do you name what took place? How do you want to talk about it? Are you okay with the other party naming it differently? As nothing is proven in front of a judge, you have to negotiate back and forth to figure out if there is enough common ground for a meeting to take place.

Preparation is everything, especially when it comes to sexual violence. It is *the* gendered crime and the mediator during preparation has to familiarise herself with the mindset of both the victim and the offender and be mindful of how their – and their peers' – preconceptions of gender, rape myths, sex roles, and stereotypes all play in.

## 5 Mediation essentials: preparation, negotiation, time

*Dzur:* You're doing this negotiation with these parties separately, and then you bring them together if you feel, as a mediator, there's enough common ground. That's tricky.

*Madsen:* Yes, negotiation was part of the preparation. Preparation is much easier to do when there's a clear admission of guilt but those are the conditions when the assault is not reported or fully admitted. And you want to make sure that no further harm is done.

*Dzur:* It seems to me that you would filter out quite a few offenders. You've lost the ones who don't respond to the letter. And then you've lost some who've responded to the letter but just refused to see this as an assault. What percentage are you left with?

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*Madsen:* About one-third of the cases I have been dealing with ended up in a face-to-face meeting. As for the victims, some were disappointed by their letter not being answered or the offender not having the guts to face them. But by the process they went through, the decisions they made for themselves, the courage they mobilised they indirectly confronted the offender and dismissed whatever power he had had. They took it back.

As for the offenders, one can only hope that receiving a letter telling you that you hurt someone will have an impact at some point in life.

A few offenders who were charged agreed to meet the victims when the trial was over, but when the time came, they were no longer interested.

*Dzur:* Their view was, 'Enough is enough; we've got our punishment'.

*Madsen:* Yes, they had waited for a long time before going to court and by then enough was enough. Timing is essential and getting the timing right is sometimes difficult. We are talking about young people, and they have a different sense of time. They want to get it over with, but two people are not always ready at the same time. Sometimes they want to speed up the process because something comes up: a birthday, a vacation, school graduation, or Christmas. I learned a lot from that. Never cut corners. I've burnt my fingers on cutting corners.

*Dzur:* Do you mean that it is important to let something play out its natural course rather than rushing things?

*Madsen:* Yes, though there is always a risk that one drops out if it takes too long.

*Dzur:* What are some of the other differences between successful and unsuccessful mediation? You just mentioned not cutting corners, meaning do proper preparation beforehand with both parties. Are there other things that make for a good mediation? Consider a particularly successful case, or perhaps one that initially appeared to you as unpromising, but turned out OK. What were some of the ingredients that helped it turn out the way it did?

*Madsen:* First I'll say that it is always good to remind oneself that as a mediator I facilitate a meeting between two people and what I consider to be a successful or unsuccessful mediation may or may not correspond with how they've experienced the mediation. Most of the times it does correspond but not always, so that's another corner one shouldn't cut: asking for feedback. So much learning from feedback.

If I were to point to three things that I see as prerequisites for a good mediation, I would in addition to preparation point out: no time limit, a spacious venue with windows and a well-rested mediator. Others will come up with different answers, but for me the framework around the mediation is important in order to do my best and stay tuned to the process I am facilitating.

Here's an example of a mediation that I almost put a stop to – both before and during the mediation meeting. Luckily, I was overruled so the encounter between the two could find its own level without my interference.



During the preparation, I wondered, 'Am I talking to the right people? Did these two people ever meet?' Their stories were almost too divergent. But yes, they had met and there had been sex. From there they agreed on nothing to such a degree that I wondered if there was any point in arranging a meeting. I brought this forward and I said, 'As your facilitator, I am very doubtful if this is going to bring you anything worthwhile, or any good'. But both separately answered, 'Well, I want it anyway'.

The first hour of this meeting was disastrous. They were fighting over what had happened, shouting and screaming at each other. Any attempt from my side to intervene was ignored.

After one hour I called for a break and when we resumed the conversation I asked what consequences the incident had had for each of them. From then on there was no more fighting, only crying. It turned out that there had been heavy consequences – of different kinds – on both sides. That their lives had taken unexpected turns because of the incident and that they were both scared and unhappy. *There* was the common ground that made them listen to each other. See each other. They still disagreed about what happened but they believed that the other was sincere when each said how sorry they were about what had happened.

## 6 Advocating for restorative justice

*Dzur:* You mentioned earlier that you started doing mediation with victims of sexual violence under the impetus of a patient's own suggestion. You didn't go into it with any sort of pre-existing idea about the value of it. After all your experience now, how would you advocate restorative justice to somebody who was very sceptical about the value of this kind of mediation for these kinds of cases? What would you point to as valuable or useful?

*Madsen:* First, what makes mediation valuable and useful for victims of sexual assault is no different from what makes it valuable for any kind of victim of severe crime or less severe crime for that matter. The same goes for offenders but the scepticism or concern is usually not aimed at offenders but victims.

I understand the concern and I don't disagree with several of the criticisms raised. Having said that, I'd like to quote Mary Koss (2000: 1338) who said, 'No crime victim should be forced to confront her perpetrator, but neither should she be denied the opportunity if she desires it'. Restorative justice is not for everyone, which is also implied in the Mary Koss quotation. It is for the ones who think that facing the offender, having their say, can do them good in whatever way that is. What I often hear when I meet people who are sceptical is an uncertainty and a doubt as to whether we as mediators can deliver a safe restorative practice that doesn't jeopardize the victim. A concern that we must take seriously by collaborating, being transparent, delivering good practice, and not least good documentation and research.

*Dzur:* Let's come back to this polished mahogany table and the people in suits who were saying, 'The rule of law is important, punitiveness is important. Let's

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have something on the side but not too much'. Now, with all this experience that you've had, what would you communicate?

*Madsen:* It would be an interesting experiment to bring back the same people to the polished table and – 10 years later – evaluate. How did it go? Did we give victim-offender mediation the right conditions to grow big and strong? When you look at the statistics, the immediate answer is no. In 2013, the mediation service carried out 517 mediations; in 2018, it was 338. Not exactly encouraging figures in spite of all the hard work that both the police coordinators and mediators are doing.

But new initiatives are underway both within the victim-offender mediation service and outside. A research project on Restorative Justice Conferencing is taking place as a collaboration between a Danish university and University of Cambridge so mediators are now being trained in doing conferencing.

That brings me back to the polished table. At some point, the commission should decide on which method to recommend. Mediation was one practice and the one that had been used throughout the pilot project, but there were other practices: conferencing, for instance. I thought: 'Why limit ourselves to the 'traditional' mediation method? Why not open up to conferencing – at least as a try-out project?' I explained about conferencing, about what was happening in other parts of Europe – even in Norway – but was told that it would be better to concentrate on the mediation method. As a last attempt to be heard I said, 'Listen. Old cars can be fine and reliable, we trust them. But there are new cars on the market and maybe we should keep the old car but also add a new car'.

*Dzur:* Did it work?

*Madsen:* No.

*Dzur:* It might have worked in my country, but in your country you might have been better using a bicycle metaphor! Old bicycle, new bicycle, it is good to have both!

*Madsen:* Yes, and now there *are* two cars or bicycles in the garage. Maybe I'm just an impatient soul.

## 7 Taking on the serious cases in restorative justice

*Dzur:* Ivo Aertsen has this nice phrase about working in restorative justice: 'make room for surprises'. What has surprised you the most in the work you have done?

*Madsen:* Mark Umbreit has another phrase about turning every stone during preparation. I'd like to combine the two: Turn every stone and make room for surprises. Nice phrase!

What has surprised me most? I am not sure I have an answer for that. Time maybe. That it takes so long to prepare, hours and hours. And then you have a meeting and the hours fly by.

But I'll tell you of another kind of surprise in a case where I thought I had turned every stone and yet had a surprise waiting for me. A few years after I started as a mediator, I was appointed to a murder case. Mr. Y had killed his wife and three years later the family of his late wife wanted to meet him. The preparations had been lengthy but by now everybody were ready. The meeting took place in a slightly too-small room in the prison. The family had found their places on one side of the table, their supporters were seated, the chaplain was in place, I had things under control – until I saw Mr. Y walking down the corridor escorted by a prison officer both carrying trays full of prepared food. Surprise! This was not anticipated. Mr. Y had spent all morning preparing food for his family. I had no idea and had not prepared the family for this scenario.

What to do? Where to put the food? Would the family find it offensive to be offered food made by the man who killed their sister? My head was spinning – and then you improvise.

Three and a half hours later, when the meeting was over, everyone threw themselves at the food and a different kind of talk started. Food had not been part of my training as a mediator and I hadn't until then realised the potential of having food available. Since then there has always been food available, only now I bring it myself.

This particular mediation was in many ways a big mouthful for me as a fairly new mediator and I decided to seek out Mark Umbreit in the US for further training.

*Dzur:* You thought, I'm not ready to deal with this yet; I need some training.

*Madsen:* I think I also felt that this was my line of doing restorative justice – dealing with severe crime. During my professional life I have almost entirely been working with trauma in different contexts with all sorts of people. That's where I belong.

*Dzur:* Some people suggest that for severe offenses, such as sexual offenses, mediation is inappropriate for just the reasons you stated earlier about your discomfort with the language of 'conflict'. In these cases of severe trauma, the victim has been put down, brought low, so to speak, and the offender was the one who has asserted a kind of power of domination from on high. So this idea of bringing them together in a parallel process is just a mistake. But you've been very strong on the other side, saying, 'No, these are exactly the cases where you do need mediation'. Can you explain why you're so strong on this?

*Madsen:* Yes, these are definitely the cases where mediation or any kind of restorative practice should be an open and accessible option. Close to the traumatic event but especially in the years to come. These are the cases where the impact on both the victim and the offender has been immense and lingered for years. The example just mentioned: The man who killed his wife. It took him three years to face up to what he had done. And three years for the family to face him. Had they been brought together at an earlier stage, things might have turned out differently and not brought the relief to any of them. Then it did. It is not about

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the severity of the crime. It's about the suitability of the people involved, about motivation, expectations, timing and good restorative preparation and facilitation.

*Dzur:* Have you thought about why it is so important to actually have people in the room? As opposed to, say, a therapeutic conversation with a professional. Why is it so important in these cases of severe trauma to have the victim and the traumatiser in the room face to face? Therapeutic dialogue can be done therapist to patient. But a mediation is a matter of proximity, of face-to-face conversation. Have you thought about why it is so important to have people together in a room?

*Madsen:* Honestly, how can you even question whether it is important or not? Of course, it's important! But it is a good question and from my own practice I know that a therapeutic dialogue between therapist and patient can be very helpful and healing. And that shuttle mediation has advantages or may even be the best option in certain cases. But the therapist is not the one who hurt you or the one you hurt. He or she is not the one who turns up in your nightmares or whom you fear to meet when you turn a corner. Overcoming fear of the other is one of aspects of meeting face to face.

When you come face to face in a safe environment, you can little by little let go of the fear. I'm not saying that it always happens but it happens more often when the other person is present. That is what we hear from victims. The monster is humanised. You can't do that without the presence.

*Dzur:* One of my favourite lines from Nils Christie is, 'I've never met a monster'.

*Madsen:* Exactly. When you meet, you relate. With much more than words. The way you speak, your tone of voice, the way you move your head, your hands, the way you keep or do not keep eye contact. It is a very vulnerable situation for both: one wrong move can set you back.

*Dzur:* I was thinking that if one felt that it would be more disturbing to a victim to meet an offender, one might favour a therapeutic dialogue over a mediation. So I'm wondering why, exactly, one would advocate an actual meeting over a therapeutic discourse for someone who was severely traumatised.

*Madsen:* People experience and react to trauma in different ways. It is important for me to say this because I often meet victims who are burdened with well-intended advice and expectations as to how they should feel and react. We 'do' trauma differently and there are many ways to heal. One of the advantages of the hospital setting I have talked about was being part of an interdisciplinary team where therapy and mediation could go hand in hand when needed or succeed each other.

## 8 Bringing the public into restorative justice

*Dzur:* I want to come back once again to your experience in that official room with the mahogany table. Politicians and state officials are susceptible to public opinion. How might practitioners and advocates of restorative justice reach out to public opinion, build public support for the work that we're doing? What is your thought about that in Denmark: how to reach more people and to communicate the value of this to people who've never even heard of it?

*Madsen:* I think we should bring out the good stories, use every social platform to spread the news, make podcasts. Denmark is famous for making TV crime series. There should be a restorative encounter in every one of them. We must get what Howard Zehr calls the butterfly stories flying. And then I think we – in more closed circles – should look at what Zehr calls the bullfrog stories and learn from them. We need more research done, more academic interest.

*Dzur:* You have said, in passing, that it was difficult even to communicate the value of mediation to staff in other centres for victims of sexual assault in Denmark.

*Madsen:* Yes, that's right. The practice of restorative conversations never caught on in other centres of sexual assault and also died down when I left the hospital. This is sad but not unusual story when you look around the world. Projects like this come and go according to the funding available – or presence of fiery souls. The restorative mindset is hard to swallow for institutions working for victims. At the Copenhagen centre, it took quite a while to get the nurses on the front line to accept the idea of the restorative initiatives we took on the back line and I wasn't the one who convinced them. It was the victims who had been in mediation.

I am quite convinced that at some point there will be 'a second wave'. That is what becoming of age teaches you. The victim-offender mediation service may only have had 338 cases last year, but it has sparked off other initiatives not related directly to the criminal law system.

A municipality close to Copenhagen wants to become a 'restorative city'; family mediation is expanding; there's school mediation in a few places; mediation in civil cases is very successful. Different schemes pop up in different places.

And talking to you, Albert has not only been a pleasure. It has also resulted in a promise that Ida, Lin and I gave each other when we met for lunch: we will within a few months call for a national meeting to talk about – well not 'Something is rotten in the state of Denmark' – that is Hamlet's line – but how we can get more restorative justice initiatives up and running. Thank you for the inspiration and push.

Albert Dzur

## References

- Koss, M.P. (2000). Blame, shame, and community: justice responses to violence against women. *American Psychologist*, 55(11), 1332-1343. doi: 10.1037/0003-066x.55.11.1332.
- Mercer, V., Sten Madsen, K., Keenan, M. & Zinsstag, E. (2015). *Doing restorative justice in cases of sexual violence: a practice guide*. Leuven: University of Leuven. Retrieved from [www.euforumrj.org/wp-content/uploads/2015/09/Doing-restorative-justice-in-cases-of-sexual-violence\\_practice-guide\\_Sept2015-1.pdf](http://www.euforumrj.org/wp-content/uploads/2015/09/Doing-restorative-justice-in-cases-of-sexual-violence_practice-guide_Sept2015-1.pdf) (last accessed 30 September 2019).