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## **ABSTRACT**

*Hawai'i is a multicultural island state that has been experimenting with a facilitated restorative reentry planning circle process for incarcerated individuals who meet with loved ones. The circle process considers loved ones' needs for repairing harm, and the incarcerated person's needs for successful reentry including reconciliation with loved ones. When loved ones cannot attend a circle they are invited to provide information over the telephone or by email to the facilitator, who shares the information during the circle. This study analyzed participants' perceptions of how helpful it was for them to provide information about their needs having an incarcerated loved one. The authors predicted participants from high-context cultures would find the process less satisfying than those from low-context cultures, but the study found no differences. Despite identifying from a high- or low-context culture, all participants except one from a low-context culture, found that providing shuttled information was helpful.*

## **INTRODUCTION**

*Hello, is this Malia Palama?*

*Yes, it is.*

*Hi Ms. Palama. My name's Dawn Slaten. I work with Hawai'i Friends of Restorative Justice. Your daughter Katherine gave me your telephone number. We provide a reentry planning circle process for incarcerated individuals that she's applied for. Do you have time to talk right now or can I call you back?*

*Sure, I can talk now.*

*Thank you Ms. Palama. May I call you Malia?*

Yes.

*Thanks Malia. The reentry circle Katherine wants is only for people who take responsibility for their past behavior and who want to make amends with loved ones for their past behavior and incarceration. We met with Katherine and she hoped you would want to come to the prison and meet with her and other family members for a circle. Does this sound like something you might be interested in?*

*Yes, Katherine told me about it and I'd love to come, but cannot. I live in Vegas and have to work,*

*Oh sure, that's fine. If you'd like I can ask you the same questions we'd ask at the circle. I can write down your answers and we can read them when Katherine has her circle. Do you wanna do that?*

*Yeah, I could do that.*

*Okay, great. Do you have time right now? It'll take about 15 minutes or so.*

*Yes, I have some time.*

*Okay. The circle is a positive process that includes finding out what Katherine's loved ones like about her. Can you tell me what you think her strengths are? What you believe is positive and what you like about Katherine?*

*Well, she's really smart and funny. She cares about other people a lot. She'd give the shirt off her back to help someone. That's part of her problem always helping people and some of them don't help her, but drag her down instead.*

*Okay thanks. What other good things do you think Katherine has going for herself?*

*She works hard. If she puts her mind to something she won't give up.*

*Wow great, so important to be a hard worker. What other strengths does Katherine have?*

*She's a good teacher. She's also a leader and always has friends.*

*She really has some great strengths Malia. If you think of more while we are talking I'll add those to your list. I will read everything back to you before we hang up and make sure your comments are exactly what you want shared at the circle.*

Malia goes on to describe to Dawn the facilitator over the telephone how Katherine's past behavior and imprisonment affected her and what Katherine could do to help repair the harm it caused. At the end of the telephone conversation, Dawn asks Malia one final question for qualitative research on the benefits of the reentry circle process:

*Malia if this conversation that you and I just had right now was helpful to you, how was it helpful?*

*Well it makes me feel good. I am crying right now, breaks my heart, I miss my baby. Helped me by making me stronger knowing somebody is out there to help her, that there is someone who cares and who she can talk to. Makes me feel better knowing somebody cares.*

This paper describes the reentry circle, the needs it serves (Walker, Sakai & Brady, 2006), and reports on a study analyzing cultural differences in communication styles between 35 randomly selected people out of 87. All 87 were unable to attend their loved one's circle but contributed information for it that was read during a circle. How the 35 people perceived the value of their contributing information that was shuttled to the circles, which they did not personally attend is reviewed. Appendix A includes the 35 subjects' comments.

## **BACKGROUND**

The restorative reentry planning circle was originally developed and piloted in Hawai'i in 2005 (Walker & Greening, 2013). It was designed for incarcerated individuals and their families based on John Braithwaite's 2004 suggestion for a similar youth transition planning process. Hawai'i's restorative reentry circles instead provide transition planning and healing opportunities for incarcerated adults and their loved ones.<sup>i</sup> Restorative justice is a cooperative alternative to the traditional autocratic and adversarial justice system (Walker, Rodgers & Umbreit, 2018).

The reentry circle has two primary purposes. First, it is designed to help an incarcerated individual's loved ones by giving them an opportunity to address any harm that they suffered from the individual's past behavior, and from losing the individual who is usually their child, parent, sibling, friend, etc., to prison. Second, the reentry circle is an opportunity for the incarcerated individual to make amends to their harmed loved ones, the community. It is also an opportunity for the incarcerated individual to prepare a transition plan that establishes their goals, strategies to meet them, and how they can meet other basic needs for a law abiding life in the community.<sup>ii</sup>

Hawai'i Friends of Restorative Justice (HFRJ), a non-profit (NGO), developed and provides the reentry circles. To date HFRJ has provided 168 circles that a total 749 people have attended in person. These circle participants include the incarcerated individual, her or his loved ones, and any other supporters, along with a representative of the prison or probation office. An additional 87 family members/loved ones, who could not personally attend circles, have provided information over the telephone or by email. Their comments were shuttled to circles for incarcerated individuals. The loved ones shared their feelings and thoughts about their incarcerated loved one including how they were harmed by any of the individual's past behavior and by losing the individual to imprisonment. The shuttled comments also included what the loved ones believed the individual might do to help repair the harm they suffered.

Most of the people sharing the shuttled comments were family members, and, in a few cases, they were the incarcerated individuals' counselors or other supporters. The loved ones, contributing shuttled information, unable to attend the circles personally for various

reasons including that they had to work, were ill, could not afford travel costs, had to care for family members, were on parole and not allowed into the prisons, etc.

A loved one unable to attend the circles can provide information to the facilitator before the circles. The facilitator carefully records their comments on paper and prints them out before the circle. The printed comments are placed in an empty chair and are read aloud during the circle. The facilitator follows the loved ones' instructions about who will read their comments. The facilitator asks the loved one during the phone conversation or by email: "Who would you like to read your comments during the circle?" Usually a family member who can attend the circle is chosen to read the comments, but sometimes the facilitator is asked to read the comments. In all cases to date, when the shuttled information was shared during the circles the incarcerated person and other family members listened attentively, and many times people openly wept when they heard the comments read aloud.

In this study, people with incarcerated loved ones who were unable to attend circles provided information to a facilitator over the telephone, and one person shared his responses by email. All 35 subjects were asked the following the same three questions that Dawn asked Malia: 1. "What do you like about or believe Katherine's strengths are?" 2. "How were you affected by Katherine's past behavior and incarceration?" and 3. "What could Katherine do to repair any harm she caused?" After answering these three questions, and indicating who they want to read their comments during the circle, each person is asked one final question: "If this conversation we just had was helpful to you, how was it helpful?" Differences between the 35 subjects' perceptions concerning the

value of sharing their thoughts and feelings, without their personal attendance at the circles, was analyzed and is reported in this chapter.

## **FAMILY MEMBERS' CULTURAL CONTEXTS AND SATISFACTION WITH REENTRY CIRCLES**

This chapter assesses the value to family members who have incarcerated loved ones of expressing their experiences losing someone to incarceration and suffering any harm from crimes. Family members of various cultural backgrounds were given the opportunity to express their feelings and thoughts through a reentry circle process despite their inability to personally attend a circle. Study results confirm that family members value and are satisfied by sharing their experiences across different cultures. No differences in satisfaction were seen between different cultural contexts.

### **Family Members' Need for Restorative Reentry Circles**

Family members with an incarcerated loved one are victimized by their loss. The reentry circle helps them to address their needs. Individual family members often suffer serious harm when a loved one is incarcerated. The harms families suffer include financial, educational, and emotional losses. Losing a loved one to prison often causes families already suffering from economic disadvantage further economic loss (Arditti, Lambert-Shute & Joest, 2003).

*Incarceration acts like a hidden tax, one that is visited disproportionately on poor and minority families; and while its costs are most directly felt by the adults closest to the incarcerated family member, the full effect is eventually felt by the next generation as well (Barman, 2004, p. 156).*

The harms families suffer from losing a loved one to prison are wide and complex. A study by Jacobsen (2019) suggests that losing a father to prison by age five is associated with increased likelihood of school punishment. Jacobsen showed that children with

incarcerated fathers had 75 percent greater odds of being formerly punished at school compared to a matched control group of children whose fathers did not go to prison. This outcome remained true even when behavioral and social bond problems were accounted for in the experiment group (p. 22).

Losing a mother to prison is also detrimental for children. Children who lose mothers to prison suffer from poor education and financial circumstances, substance abuse, mental illness, domestic abuse, or a combination of these (National Research Council, 2014, p. 263).

Stalnaker (2016) researched the harm families suffer from the anticipated stigma of having an incarcerated family member. The stigma affects the family members' psychological and physical health. Family members' self-reports showed that they suffer increased depression and poorer health when a loved one is incarcerated (p. 22).

Stalnaker argues that because the families are not recognized as victims, they do not receive advocacy assistance and social services that could help them address their hardships. This failure to address the needs of family members can lead to further victimization and the perpetuation of the victim-offender overlap. (Walker & Tarutani, 2017)

The victim-offender overlap is a consistent finding in criminology (Lauritsen & Laub, 2007). Victims and offenders have been described as “the same individuals (Wolfgang 1957; Singer 1981; Jensen & Brownfield 1986; Lauritsen et al. 1991; Sampson & Lauritsen 1994)” (Shaffer, 2004, p. 1). Restorative practices, including the reentry circles, can help both victims and offenders. Victims<sup>iii</sup> can address how they were harmed and what they need to make things right, while offenders can learn from hearing the stories of

the victimized, and address their needs to heal when necessary too. Healing from injustice and wrongdoing can contribute to preventing future crime.

*Family members of incarcerated individuals are often referred to as hidden victims—victims of the criminal justice system who are **neither acknowledged nor given a platform to be heard** [emphasis added] (Martin, 2017, p. 1).*

The reentry circle process can provide family members with a platform for their being acknowledged and heard that Martin (2017) argues is necessary when a loved one is incarcerated.

The circles are an opportunity for families to discuss their experiences, thoughts, feelings, hardships, and any trauma suffered from losing a loved one to incarceration. Most importantly, too, this restorative and solution-focused process gives suffering family members a way to develop strategies for how they might address and repair the harm that they have suffered. The circles give victims autonomy to explain their personal experiences and an opportunity to process whatever they might uniquely need to recover from the harm they have suffered (Walker & Tarutani, 2017).

The reentry circle model has been evaluated for the healing benefits children of incarcerated parents experience when the parents have a circle (Walker, Tarutani & McKibben, 2015). Healing was operationalized in the study by examining decreases in rumination over past trauma and increased optimism by the children. The study demonstrated a positive correlation with both of these variables. Children whose parents participated in circles experienced healing.

Other family members of imprisoned individuals who participated in reentry circles have been surveyed about their experiences too. Almost one hundred percent (99.87%) of all people (including children) who personally participated in the reentry circles (749 to



date) has reported that they believe the circle they participated in was a positive process. Only one reported the process was neutral and not positive.

### **Reentry Planning Circle Background and Description**

Incarcerated individuals apply for a reentry circle to meet with loved ones, supporters, and a representative of their prison to make amends to their families for their past behavior and imprisonment. The individuals fill out an application provided by the correctional institution they are in. If they are on federal probation the individual fills out the application and returns it to their probation officer.

A facilitator, who will later provide the reentry circle, interviews the individual applying for the circle after receiving the application from the prison or federal court. The interview and the circles follow a solution-focused approach that is based on solution-focused brief therapy (Walker, 2013). The interactive solution-focused interview lasts about forty-five minutes. At the interview and later the circle, the facilitator will assist the individual in outlining their unique goals and best steps and timelines for attaining their goals.

The individual's basic needs for transitioning and reentering the community are also addressed. Needs include how the individual might make amends and repair damaged relationships with their loved ones and community. A primary objective of the process is to address the healing needs of loved ones harmed by the individual. Other areas of an individual's life that contribute to being law abiding include housing, employment, transportation, identification, physical and emotional health, education, leisure time use, and any other unique needs, e.g., divorce, immigration status, dealing with outstanding

traffic tickets, etc., are also planned for during the circle process (Walker & Greening, 2013).

The circle process was provided originally for men imprisoned by the State of Hawai‘i and is currently provided to women in state custody, those in federal custody, and on federal probation on O‘ahu. In 2015, the federal pilot program was established for individuals in custody and awaiting sentencing. In 2017, individuals on probation under the Honolulu court’s supervision, and those after sentencing, also became eligible to apply for a reentry circle. Individual Honolulu federal court judges decide if an applicant is eligible for circle before or after sentencing.

Hawai‘i and other states replicating the program have also used the circles for probationers and formerly incarcerated people. The circle process has been introduced and/or replicated in other states and countries including California, New York, Washington DC, Pennsylvania, North Carolina, Vermont, Bermuda, Hungary, Japan, Spain, Finland, India, Singapore, Brazil, New Zealand, and Nepal.

Reentry circles apply Howard Zehr’s restorative justice principles. Chiefly, Zehr believes that restorative justice must be guided by the values of respect, responsibility and relationship (van Worman & Walker, 2013). Secondly, he believes it is the nature of a practice that makes it restorative. Zehr advises:

*Ultimately, restorative justice boils down to a set of questions, which we need to ask when a wrong occurs. These guiding questions are, in fact, the essence of restorative justice.*

*Guiding Questions of Restorative Justice*

- 1. Who has been hurt?*
- 2. What are their needs?*
- 3. Whose obligations are these?*
- 4. Who has a stake in this situation?*

5. *What is the appropriate process to involve stakeholders in an effort to make things right?* (Zehr, 2002, p. 58).

The reconciliation stage of the reentry circle process asks the following three questions based on Zehr's work: "Who was affected by the behavior and/or imprisonment of the incarcerated individual?"; "How were they affected?" (referring to those identified as affected by first question); and "What could be done to repair the harm?" Participants in a circle reflect on and openly discuss these questions. The discussion helps everyone understand each other's perceptions and experiences, which can in turn create empathy, understanding, and healing.

All but one of the 87 loved ones whose shuttled comments were shared at circles, have reported that the circles were helpful experiences. Only one loved one, who provided shuttled information, and who was in the random sample of 35 selected to study, said that sharing his comments was not helpful. This person could not personally attend the circle so it is unknown if he would have said the same thing if he had participated.

Many people who found the process beneficial reported that it had been the first time their family talked about how they were affected by their loved one's past behavior and incarceration, and what could help them heal from harm they suffered. For an incarcerated individual to engage in this kind of discussion helps her or him show their loved ones, supporters, and community that she or he is responsible and accountable and that they want to repair harm they contributed to. Showing remorse is important in healing harm for the people who were harmed and for those who did the harming alike (Wellikoff, 2003).

## **SHUTTLED INFORMATION AND DIFFERENCES IN CULTURE, COMMUNICATION, AND CONTEXT**

How people from different cultures, who could not attend a circle for their incarcerated loved one, perceive the helpfulness of the process could be influenced by their culture. This study took into account circle participants' various cultural-linguistic backgrounds and examined the value they found in the process when they could not attend a circle in person. The following sections of the chapter introduce concepts of cultural communication styles. Our prediction that people from high-context cultures, that value tradition and implicit rather than direct communication, would find their participation by shuttled information less beneficial proved incorrect. People from both high- and low-context cultures found the process to be equally beneficial. Only one person out of the 35 total studied found the process to be unhelpful.

### **Culture**

de Mooij states: Culture is the glue that binds groups together (2014, p.181). Culture, according to Hofstede (1984, p.21), is to human collectivity what personality is to the individual. Culture represents not only the beliefs and values members of a community share, it serves as a set of instructions for governing behavior (Geertz, 1973). Individuals depend upon these rules or instructions to know how to behave in society. Cultural patterns may be identified, learned, and analyzed; and these patterns are utilized in communication among a group's members. According to Chan (2009), culture provides a context that enables individuals to understand each other through shared values, attitudes, and behaviors (p.3).

Hawai'i is a multiethnic, culturally diverse state, the 50<sup>th</sup> of the United States. Asians make up the majority of the population, with Japanese and Filipino people being the most

numerous. Chinese, Korean, and Southeast Asians are well-represented in Hawai‘i as well. Whites form the next largest ethnic group. Other ethnicities include Native Hawaiian, other Pacific Islander, African American, and some others in lower numbers. Many Hawai‘i residents are of mixed races and culture.

### **Communication**

Communication styles refer to the manner in which individuals communicate with each other. They combine both linguistic and nonverbal elements. An individual’s communication style is influenced by his or her cultural background (Hall, 1976).

Hall’s work in the field of intercultural communication played a large role in shaping what the field is today.<sup>iv</sup> Culture exists as a system with learnable and analyzable patterns, and those patterns, in turn, influence the way individuals communicate. According to Hall, intercultural communication is a way of sharing information across different social groups and cultures (Neese, 2016).

### **Context**

Context is defined as information, which is expressed during conversations or events (Hall, 1976; Chan, 2009). Context plays a vital role in determining meaning, and different cultures use a wide range of information processing systems in order to provide context (Chan, 2009). The anthropologist Edward Hall (1976) outlined one of the most widely cited theoretical perspectives for understanding the communication styles of different cultures when he introduced the notions of high- and low-context communication (Liu, 2016).

The concept of context, according to Hall, is helpful to understand how the communication styles of different cultures diverge. Hall (1976, 1984) distinguished cultural patterns according to context, space, time and information flow. In particular, the

concept of context is useful for understanding differences in communication across cultures because it explains the degree of directness of communication. Hall's concepts of high- and low-context cultures provide a framework for discussing intercultural communications and refer to the value and weight that cultures place on indirect and direct communication styles (Neese, 2016).

### *High-Context Culture*

For members of high-context cultures, information resides in the context, and interlocutors' messages do not need to be explicitly spoken. High-context cultures rely more upon implicit communications and the relationship between participants to create meaning in interactions. Messages traded in high-context cultures cannot be understood without background information. This type of culture is dependent upon and values relationships and tradition more highly than change.

Much of the information required for understanding in high-context cultures is available in the context of conversations. This means that interlocutors can be less verbally explicit and frequently less direct because the shared knowledge between conversational participants provides missing information necessary for understanding. This type of communication relies upon and emphasizes harmonious relations between speakers and is more sensitive to mutually recognizable non-verbal cues (Chan, 2009). In fact, communication that is seen as too direct may be perceived as rude or brusque amongst high-context communicators.

High-context communication is used predominantly in collectivist cultures and reflects a holistic thinking style, where the larger context is taken into consideration when evaluating an action or event. In high-context cultures, the good of the group is more important than that of the individual, and face-to-face communication is preferred

(Dingemans, 2010). Collectivist cultures value harmony over confrontation, and relationships and the group's good over the individual's wants or needs.

High-context culture countries include Arab, many Asian, Japan, South and Latin American countries, Mexico, and Mediterranean and Southern European countries (Barkai, 2008; Dingemans, 2010). Generally, Western and more affluent and technologically advanced countries tend to have low-context communication styles, whereas countries with hierarchical societies that adhere more tightly to or esteem traditional values are high-context cultures. While it has been one of the United States, which is generally believed to be a low-context culture nation, for six decades, Hawai'i is home to many people with origins in high-context communication cultures too, e.g., Japanese, Chinese, and the Filipino. Indeed, Hawai'i's own indigenous (Hawaiian) culture is itself high-context.

#### *High-Context Cultures and Justice*

High-context cultures tend to be more family or clan centered, and individuals' duties and obligations to their family and community are primary. Emphasis is placed on relationships and belonging, obligation and sacrifice, social order and respect for elders and ancestors. A family's honor and saving face are critical, as are community harmony and stability. Zehr (2003) notes that in high-context cultural settings, forgiveness is more central to resolving offenses.

#### *Low-Context Culture*

Low-context communication is predominantly used in individualistic cultures, and reflects an analytical thinking style. Communication tends to be linear and precise. Most of the attention is given to specific, focal objects, independent of the environment. de Mooij states that: "Low-context communication cultures are characterized by explicit

verbal messages. Effective verbal communication is expected to be direct and unambiguous” (2014, p.182). Where high-context cultures are collectivist and place value on interpersonal relationships, members of low-context cultures are goal-oriented and value privacy. Gelfand, Triandis, and Chan (1996) assert that: “In collectivist cultures, the self is conceived as an aspect of a collective—family, tribe, work-group, religious group, party, geographic district, or whatever is considered as an ingroup by members of the culture” (p. 399). On the other hand, in low-context communication cultures, which are characterized by individualism, the definition of the self is unrelated to specific collectives (Gelfand, Triandis, and Chan, 1996, p. 399). Individualistic societies, such as those in the United States, Australia, and other Western countries, value independence, individual rights, and equality. Democracy is valued in these cultures, and questioning authority is acceptable (Liu, 2016).<sup>v</sup>

Countries with low-context cultures include the United States, Canada, the United Kingdom, Germany, the Netherlands, and Scandinavian countries. Chan (2009), citing many before her, suggests that an individual’s belonging to an individualistic (low-context) or collectivist (high-context) culture influences not just their beliefs about society but their social relationships and communication style too (p.7). Here again, while Hawai’i is part of the United States and has been so for 60 years, it presents an interesting case as a multi-cultural hub that is home to people of mostly high- but also low-context communication styles and cultures. Furthermore, as part of the United States, its legal system is the same as the rest of the US.

### ***Low-Context Cultures and Justice***

Low-context cultures are individual-centric, and individual rights and needs are primary.

Equality and self-determination are priorities. In low-context cultures, autonomy is



emphasized. Identity is tied to the self, and issues of honor are not explicitly recognized. Traditional and religious values matter less than maintaining public order and the rule of law.

*Implications of high-context and low-context cultures on the justice system*

Evidence from a cultural analysis conducted by Professor Michal Alberstein (2007)

provides insight into high- and low-context cultures' different approaches to justice.

High-context cultures are frequently described, as above, as collectivist. Restorative elements such as community orientation, compensation and apology play an essential role at the core of their criminal justice systems. The emphasis in high-context culture societies is on honor as a fundamental value. Cohesion should be preserved at any cost, and less emphasis is (supposedly) placed on formal rules and rights. Gathering in circles is frequently used for group communication. Dialogue and collaborative work will strengthen moral norms (Alberstein, 2007). Barkai (2008) reports that both Japan and China—homes to high-context, collectivist cultures—have longstanding traditions of mediation processes dating back nearly 1000 years. They use communication practices that focus on community cohesion and harmony to resolve disagreements and conflict. Low-context cultures tend to be individualistic. Elements of a retributive justice approach, such as assignation of rights, accusation and culpability attribution play roles in these justice systems. Low-context cultures emphasize formal expressions and rules, and hence focus on the proof of the criminal act, the governance of rules and more frequently not punishment, which is considered commensurate with the offense, even if the offender was forgiven (Zehr, 2003). The use of informal mediation in the United States, in sharp contrast to the high-context cultures discussed earlier, is only about four decades old (Barkai, 2008). These cultures reflect a low-context order and formal roles influence the

process. According to this view, moral norms are only relevant if they are framed as formal legal rules (Alberstein, 2007).

### **Responses from Participants Who Provided Shuttled Information in Hawai'i's Restorative Reentry Planning Circles**

Including the 87 people who provided shuttled information, over 800 people have participated directly and indirectly in restorative reentry planning circles provided by HFRJ. From the 87 whose information was shuttled, this randomized, controlled, qualitative study analyzed the responses of 35 participants.

Results show that the overwhelming majority of participants who provided shuttled information appreciated and responded positively to the circle process, regardless of their membership in high- or low-context cultures. Specifically, out of 35 respondents:

- 34 people or 97% of victim participants in this random sample said the circle process was positive for them, their loved one, or both
- One person or 3% said that remote participation in his loved one's restorative reentry circle was not helpful to him
- 19 people or 54% of victim participants belong to high-context cultures
- 16 people or 46% of respondents belong to low-context cultures
- 25 people or 71% of respondents are female
- 10 people or 29% are male.

The ethnicities that were categorized as high-context in this study were Chinese, Hawaiian, Portuguese, Mexican, Samoan, Japanese, Pacific Islander, and Filipino. The low-context ethnicities were Black and White.

Although communication styles of members of high- and low-context cultures differ, participants from ethnicities associated with both communication traditions and styles reported the same positive results after participating remotely in the circles. Nearly all of the participants in the random sample of 35 whose information was shuttled noted high satisfactory personal outcomes, which speaks to the positive value of restorative reentry

circles for prison populations and loved ones who were affected by offenders' wrongdoing and/or incarceration. All of these respondents, save one, appreciated and welcomed the circles and confirmed the reentry circle process as a healing experience, regardless of their high- or low-context cultural background.

Most of the participants from the random sample (97%) of shuttled information were satisfied with the circles and only one participant (3%) said providing information for the circle was not helpful to him. The results show people who provided shuttled information and who belong to various cultural backgrounds, used either high- or low-context communication styles. Additionally, certain predictable communication patterns from both cultures can be identified.

### **Response results from participants from low-context cultures**

Members from low-context cultures, which tend to use explicit communication, focused more on their own experience participating in the circle, and, to a large extent how they themselves (not the other person involved) felt. This pattern of communication is shown in the following examples, which represent some of the answers to the question: If this conversation that we just had was helpful to you, how was it helpful?:

*Being able to express what's on my mind and chest. Make a difference maybe and get the ball rolling to better change the next generation. Help people in recovery.*

*Helpful I could talk and say what my thoughts were on this whole process.*

*Never really talked about how I feel, and this is the first time I actually said it out loud. Thank you.*

*For me that I can in my heart know the circle will help my wife. Just to be able to talk and get out my feelings and that my feelings will be shared – there is hope in it. I love my wife and I love everyday with her. She's my wife and I know her feelings and she's a tough chick and I want her to*

*have some peace and she is a good Christian lady and being forgiving is what God wants.*

*Conversation helpful because made me feel more positive.*

*Helpful because got it all out on the open—we talked in common sense of her feelings.*

*Made it more concrete about what's going on.*

*Conversation helpful because made me feel more positive.*

Participants from low-context cultures provided responses consistent with their presupposed linguistic background. All except for one found the process helpful.

### **Response results from participants from high-context cultures**

Participants from high-context cultures, those which value tradition and family more highly than individuality or self-determination, tended to offer feedback that was more other-focused than self-focused. The following responses demonstrate how these participants consider their environment and their interconnectedness with each other in answering the question: If this conversation that we just had was helpful to you, how was it helpful? Responses in this category reflect not only concern for their incarcerated loved one but consideration for a wider group, e.g., you (the circle facilitator) and/or other people who care about their loved one. High-context respondents tended to have a stronger focus on relationships and other people, consistent with predictions about their collectivist cultural backgrounds. Here are some of their responses:

*I am not very verbal with my feelings, brought up to keep things to self and not share problems. I don't tell her I love you. Ordinarily I would try to be more affectionate. I could tell you things that I could not tell anybody. You asked the right questions. I could let out my feelings and feel relief.*

*Because I know you are going to try to help her and helping her is helping me. If she is not in so much stress I am not in so much stress.*

*Makes me feel good. I am crying right now, breaks my heart, I miss my baby. Helped me by making me stronger knowing somebody is out there to help her. That there is someone who cares and who she can talk to. Makes me feel better knowing someone cares about her.*

*To be able to tell my mom how I am feeling, takes it out, makes me feel better.*

*Gave closure—being on her list means something to me that she cares about me.*

*Very helpful knowing somehow some way they can know how I really feel about them. It makes me happy to know that people care about them too.*

*Yes, made me think of all the wonderful things we've come through—makes me reflect—made me feel really inspired.*

*I never talked to anyone in authority about this. Talking to you and explaining to you about my daughter feels good. I feel good saying I am not ashamed. Made me feel good. Comfortable knowing you are going to talk to her. Hoping she can home. I love talking to you. I can hear sincerity in your voice. I talk to doctors and nurses—epi care people checking up on me and my meds they are not listening as well as you. You listen calmly and let me rattle on. I can hear your concern for my daughter and your concern for me.*

*Helped let me know her voice is going to be heard and let me know that my voice will be heard although I won't be there.*

For these high-context culture respondents, satisfaction from participation in their loved one's restorative reentry circle—even though they could not be physically present—was derived from the knowledge that the process was not only helpful to themselves, but that it was helping or useful to someone else.

## **SOLUTIONS AND RECOMMENDATIONS**

Families of incarcerated individuals are harmed from losing their loved one to prison, and often from wrongdoing committed by their loved one too. The reentry circles give these generally ignored victims an opportunity to express their feelings and thoughts, which can lead to their healing (Pennebaker & Smyth, 2016). The circles also reduce repeat

crime by the incarcerated individuals (Walker & Davidson, who are more likely to be law abiding after imprisonment if they have the support of their family members and loved ones. Support for reentry circles should be provided to support families and the incarcerated alike. When the needs and healing of both of these groups is addressed the safety and well being of communities are better achieved.

## **CONCLUSION**

Although the justice systems in high- and low-context cultures differ significantly, victim participants of both types of cultures reported positive results and satisfaction from having participated in restorative reentry circles remotely by providing shuttled information through a facilitator. The results of this qualitative study affirm the value of restorative reentry circles, not only for incarcerated people and loved ones who can be physically present when circles occur, but for loved ones who participate from afar and allow their information to be shuttled to the circle. Remote participants' satisfaction with the circle process was almost unanimously high, regardless of their membership in a high- or low-context culture *and* regardless of their ability to be physically present at the circle. Although typical patterns associated with both types of cultural communication were detected, most of the participants welcomed and appreciated the circles, which confirms the importance and usefulness of this process as a healing experience for incarcerated people and harmed individuals alike.

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## REFERENCES

- Alberstein, M. (2007). *Restorative Justice as Internalization of the Rule of Law: Combining Restoration with Retribution in the Film Festen*. Retrieved from <https://cardozo.jcr.com/vol8no2/405-420.pdf>
- Arditti, J., Lambert-Shute, J. & Joest, K. (2003). Saturday morning at the jail: Implications of incarceration for families and children. *Family Relations*, 52(3), 195-204.
- Barkai, J. (2008). What's a Cross-Cultural Mediator to do? A Low-Context Solution for a High-Context Problem. *Cardozo J Conflict Resolution*, 10:43, 43-89.
- Barkai, J. (n.d.). Cross Cultural Negotiations, *William S. Richardson School of Law University of Hawai'i at Manoa*. Retrieved from [www2.hawaii.edu/~barkai/HO/CROSS-HO.doc](http://www2.hawaii.edu/~barkai/HO/CROSS-HO.doc)
- Braman, D. (2004). *Doing Time on the Outside: Incarceration and Family Life in Urban America*. Ann Arbor: University of Michigan Press.
- Chan, C. (2009). *Understanding communication styles in work contexts through the lens of individualism and collectivism* (Unpublished masters thesis). California State University, Sacramento, California. Retrieved from [http://csus-dspace.calstate.edu/bitstream/handle/10211.9/645/CHAN%2C%20CHAU%20NGUYEN%20QUYNH\\_SUMMER\\_2009.pdf?sequence=3](http://csus-dspace.calstate.edu/bitstream/handle/10211.9/645/CHAN%2C%20CHAU%20NGUYEN%20QUYNH_SUMMER_2009.pdf?sequence=3)
- de Mooij, M. (2014). Translating Advertising. *Translator*, 10(2):179-198. Retrieved from [https://www.researchgate.net/publication/261580023\\_Translating\\_Advertising](https://www.researchgate.net/publication/261580023_Translating_Advertising)
- Dingemans, A.M. (2010). *Hight context vs Low context communication*. Retrieved from <https://www.globalizen.com/high-context-vs-low-context-communication/>
- Geertz, C. (1973). *The interpretation of cultures*. New York, NY: Basic Books, Inc., Publishers. Retrieved from <https://is.muni.cz/el/1423/jaro2018/SOC757/um/clifford-geertz-the-interpretation-of-cultures.pdf>
- Gelfand, M.J., Triandis, H.C. & Chan, K.-S. (1996). Individualism versus collectivism or versus authoritarianism? *European Journal of Social Psychology*, 26:397-410.
- Gonzalez, M. (2014). *Low and high. Context in communication*. Retrieved from <https://ixmaticcommunications.com/2016/06/28/low-and-high-context-in-communication/>

- Hall, E. (1976). *Beyond Culture*. Garden City, NY: Anchor Press/Doubleday.
- Hofstede, G. (1984). *Culture's Consequences: International Differences in Work-Related Values*. Beverly Hills: Sage Publications.
- Jensen, G. & Brownfield, D. (1986). Gender, lifestyles, and victimization: Beyond routine activities, *Violence & Victims*, 1:85 - 99.
- Lauritsen, J & Laub, J. (2007). Understanding the link between victimization and offending: New reflections on an old idea. *Crime Prevention Studies*, 22:55-75.
- Lauritsen, L., Sampson, R. & Laub, J. (1991). The Link Between Offending and Victimization Among Adolescents, *Criminology*, 29:265 - 292.
- Liu, M. (2016). Verbal Communication Styles and Culture. *Oxford Research Encyclopedias*. Retrieved from [https://oxfordindex.oup.com/oi/viewindexcard/10.1093\\$002facefore\\$002f9780190228613.013.162](https://oxfordindex.oup.com/oi/viewindexcard/10.1093$002facefore$002f9780190228613.013.162)
- Neese, B. (2016). *Intercultural Communication: High- and Low-Context Cultures*. Retrieved from <https://online.seu.edu/high-and-low-context-cultures/>
- Martin, E. (2017). Hidden Consequences: The Impact of Incarceration on Dependent Children, *NIJ Journal*, 278. Retrieved from <https://nij.gov/journals/278/Pages/impact-of-incarceration-on-dependent-children.aspx>
- National Research Council. (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, Committee on Causes and Consequences of High Rates of Incarceration, in Travis, J., Western, B., and Redburn, S. (Eds.). Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. The National Academies Press: Washington, DC.
- Pennebaker, J., & Smyth, J. (2016). *Opening Up by Writing it Down: How Expressive Writing Improves Health and Eases Emotional Pain*. New York, NY: The Guilford Press.
- Prison Policy Initiative (2010). *United States incarceration rates by race and ethnicity, 2010*. Retrieved from <https://www.prisonpolicy.org/graphs/raceinc.html>
- Sampson, R., & Lauritsen, L. (1990). Deviant lifestyles, proximity to crime and the offender-victim link in personal violence, *Journal of Research in Crime and Delinquency*, 27:110 - 139.
- Shaffer, J. (2004). The Victim-Offender Overlap: Specifying the Role of Peer Groups, (Unpublished doctoral dissertation). The Pennsylvania State University,



- University Park, Pennsylvania. Retrieved January 12, 2016 from <https://www.ncjrs.gov/pdffiles1/nij/grants/205126.pdf>
- Singer, S. (1981). Homogenous victim-offender populations: A review and some research implications. *Journal of Criminal Law and Criminology*, 72:779 - 788.
- Stalnaker, D. (2017). Anticipated Stigma, Depression, and Perception of Health Status in Persons with Incarcerated Family Members and Loved Ones. (Unpublished doctoral dissertation). A.T. Still University, Kirksville, Missouri, United States.
- Van Wormer, K. & Walker, L. (2013). *Restorative Justice Today: Practical Applications*. Thousand Oaks, California: Sage Publishing.
- Walker, L., Sakai, T. & Brady, K. (2006). Restorative Circles: A Reentry Planning Process for Hawaii Inmates, *Federal Probation*, Volume 70: 33-37.
- Walker, L. (2015). Reentry circles for the innocent: the psychological benefits of restorative justice and taking responsibility in response to injustice, In Gavrielides Ed.) *The Psychology of Restorative Justice: Managing the Power Within*, Farnham, UK: Ashgate Publishing.
- Walker, L. (2013). Solution-Focused Reentry and Transition Planning for Imprisoned People, in Dejong & Berg's *Interviewing for Solutions*. Belmont, CA: Brooks/Cole.
- Walker, L. & Davidson, J. (2018). Restorative justice reentry planning for the imprisoned: An evidence-based approach to recidivism reduction. In Gavrielides, T., (Ed.) *The Routledge International Handbook of Restorative Justice*, New York, NY: Routledge.
- Walker, L. & Greening, R. (2010). Huikahi Restorative Circles: A Public Health Approach for Reentry Planning, *Federal Probation Journal*, 74:1-7.
- Walker, L. & Greening, R. (2013). *Reentry & Transition Planning Circle for Incarcerated People*. Honolulu, HI: Hawai'i Friends of Justice & Civic Education.
- Walker L. & Tarutani, S. (2017). Restorative justice and violence against women: an effort to decrease the victim-offender overlap and increase healing. In D. Halder & K. Jaishankar (Eds.) *Therapeutic Jurisprudence and Overcoming Violence against Women*. Hershey, PA: IGI Global.
- Walker, L., Tarutani, C. & McKibben, D. (2015). Benefits of Restorative Reentry Circles for Children of Incarcerated Parents in Hawai'i, in *Promoting the Participation of Children across the Globe: From Social Exclusion To Child-Inclusive Policies*,

- Eds. Gal & Faedi Duramy, London: Oxford University Press. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2666828](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2666828)
- Walker, L., Rodgers, K. & Umbreit, M., (2018). What is Restorative About Teen Court? *Internet Journal of Restorative Justice*, Special Issue Restorative Justice and Complex Crimes, 56-85. Retrieved from [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3294303](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3294303)
- Wellikoff, I. (2003). Victim-Offender Mediation and Violent Crimes: On the Way to Justice, Benjamin N. *Cardozo School of Law Journal of Conflict Resolution*, 5.1:1-7. Retrieved from <https://cardozo.jcr.com/issues/volume-5-1/note-1/>
- Wolfgang, M. (1957). Victim Precipitated Criminal Homicide. *The Journal of Criminal Law and Criminology*, 48(1):1-11.
- Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Herald Press.
- Zehr, H. with Gohar, A. (2003). *The Little Book of Restorative Justice*. Intercourse, Pennsylvania: Good Books.

## ENDNOTES

- <sup>i</sup> Most of the reentry circles have been for incarcerated adults, but ten individuals were either on probation, parole, or were out of prison when they had a circle. Additionally, another ten individuals were juveniles incarcerated in the Hawai'i Youth Correctional Facility.
- <sup>ii</sup> Two circles have been provided for individuals who did not commit the offenses they were incarcerated for. The circles helped them make goals despite their imprisonment (Walker, 2015). A Honolulu federal court pilot project also allows federal detainees to apply for reentry circles who are pre-sentence, and others who were sentenced to prison. The circles have helped both types of federal detainees prepare for their imprisonment.
- <sup>iii</sup> The authors prefer to not label people as “victims” and “offenders” but rather discuss them as people who have had specific experiences, e.g., *have been harmed or harmed others*, etc. The authors recognize that people are not necessarily diminished according to their experiences and that the labels “victim” and “offender” can lead to further entrenched problems. The labels are used here simply for simplicity and consistency with how they have been used by others studying the criminal justice system.
- <sup>iv</sup> Hall's intercultural communication work also sparked early interest in nonverbal communication.
- <sup>v</sup> University of Hawai'i, Richardson School of Law Professor John Barkai helpfully notes that all people are high-context communicators in some situations, especially in family

and other shared group situations, e.g., “She didn’t even have to speak. I knew exactly what she meant from the look she gave me” (April 29, 2019 personal communication with Leela Bilmes Goldstein).

## APPENDIX A

<b>Subject’s relationship to individual having reentry circle:</b>	<b>Ethnicity</b>	<b>Verbatim comments about helpfulness of sharing their information shuttled to restorative reentry circles:</b>
1. Mother	Black	Very, very helpful knowing how my daughter is adjusting in prison – that she is having this circle is positive and must help her and is a positive and giving her a good outlet to deal with her situation – knowing that she is trying to do good despite being in prison. It was a blessing talking to you.
2. Son	Black	Reminds me my mom cares and does love me.
3. Father	Chinese	Know she is out of jail and I am at peace knowing.
4. Son	Black	Made me think more of my mom and that she is doing good.
5. Daughter in law	Hawaiian	Conversation helpful because made me feel more positive.
6. Sister	Hawaiian	Gave closure – being on her list means something to me that she cares about me.
7. Brother	Portuguese	Helped me tremendously by one giving me the current update on her plan on helping my sister. Given me another line of communication with my sister’s plan and situation and executing her plan. It is encouraging to me that this is all taking place. Really appreciate everything you’re.
8. Mother	Mexican	Because I know you are going to try to help her and helping her is helping me. If she is not in so much stress I am not in so much stress.
9. Sister	Samoan	Helped let me know her voice is going to be heard and let me know that my voice will be heard although I won’t be there.
10. Aunt and Godmother	Hawaiian	Helpful because got it all out on the open – we talked in common sense of [name incarcerated individual]’s feelings.

11. Cousin	Hawaiian	Very helpful knowing somehow someway they can know how I really feel about them. It makes me happy to know that people care about them too.
12. Mother	Samoaan	Helps me bring out what I want to tell her and feel in my heart. Makes me feel warm and relaxed and hopefully the talking will help her. Feel a little better talking and hoping for her future.
13. Fiancé	Black	Let's me see there is care for people who have problems with abusing substances and want to help people. Hopeful these circles show people there is hope.
14. Mother	Hawaiian	Helpful to stir up emotions and then reflect to move forward from past to good future.
15. Brother	Hawaiian	Helped me to deal with thinking of the day of the incident and that I need to let it go and let God.
16. Daughter	Hawaiian	I am 25 years old – I let it out about her and got to tell somebody.
17. Mother	Japanese	I am not very verbal with my feelings, brought up to keep things to self and not share problems. I don't tell her I love you. Ordinarily I would try to be more affectionate. I could tell you things that I could not tell anybody. You asked the right questions. I could let out my feelings and feel relief.
18. Son  SUBMITTED COMMENTS BY EMAIL	Pacific Islander	This conversation was important because it nice to see people out their who support my mom. Just being able to see her take little steps in her life to make amends is heart warming. Lorenn was very nice and understanding. I was comfortable talking to her and she seemed very positive. On a more personal side the conversation reminded me why I am at where I am at in my life today. After everything I have been threw in life I should be consider just a statistic. I am proving to myself that I am more then just that. I will never forget the empty feeling I once had on the day we got taken away because it was the moment in life that hurt me most.
19. Close Friend	Black	It was helpful because I want to be helpful to console and support [Name of incarcerated person].
20. Mother	Black	Makes me feel good. I am crying right now, breaks my heart, I miss my baby. Helped me by making me stronger knowing somebody is out there to help her.

		That there is someone who cares and who she can talk to. Makes me feel better knowing someone cares.
21. Daughter	Black	To be able to tell my mom how I am feeling, takes it out, makes me feel better.
22. Father	Black	No help.
23. Grandmother & adopted mother	Portuguese	Worried she might try and find kids. Made me anxious—feel relieved.
24. Sister	Hawaiian	Yes, made me think of all the wonderful things we've come through—makes me reflect—made me feel really inspired.
25. Friend	Hawaiian	Makes me feel more hopeful, glad to hear she is still alive.
26. Mother	Filipino	I never talked to anyone in authority about this. Talking to you and explaining to you about [Name incarcerated individual]. It feels good. I feel good saying I am not ashamed. Made me feel good. Comfortable knowing you are going to talk to her. Hoping she can home. I love talking to you. I can hear sincerity in your voice. I talk to doctors and nurses – epi care people checking up on me and my meds they are not listening as well as you. You listen calmly and let me rattle on. I can hear your concern for [name incarcerated individual] and your concern for me.
27. Friend	White	Yes helpful in giving me someone to talk to about [name incarcerated individual] and loss. I feel like I failed her and I am holding space for that and sadness and appreciate the opportunity to talk about it –lovely to hear she is willing to do this circle.
28. Friend & Pastor	White	Personally helps me think through journey with [name incarcerated individual] – the ups and downs over the years. Makes me realize she is at another launching point. She is at an important point and this helped me articulate the journey and prepuces (overlooks). Good to think through the past to the present. Helps me know better how to encourage her.
29. Husband	White	Being able to express what's on my mind and chest. Make a difference maybe and get the ball rolling to better change the next generation. Help people in recovery.
30. Mother	White	Helpful I could talk and say what my thoughts were on this whole process.

31. Sister	White	Never really talked about how I feel and this is the first time I actually said it out loud. Thank you.
32. Husband	White	For me that I can in my heart know the circle will help my wife. Just to be able to talk and get out my feelings and that my feelings will be shared – there is hope in it. I love [name incarcerated person] and I love everyday with her. She’s my wife and I know her feelings and she’s a tough chick and I want her to have some peace and she is a good Christian lady and being forgiving is what God wants.
33. Mother	White	Made it more concrete about what’s going on.
34. Mother	White	Her wanting to have a circle says a lot and gives her some hope.
35. Aunt (calabash) & Friend	White	Helpful for me by reinforces what Tanya is doing and that she will be seeing her daughter. Makes me very happy for her. Great considering even my feelings and that she is getting this process.