



WORKSHOP 19:

FURTHERING RJ PRACTICES

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**1. ADVANCED TECHNIQUES AND DILEMMAS IN MEDIATION
THE ISSUE OF AUTONOMY AND SOCIAL CONTROL IN PARTICULAR¹**
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Profile of the author: Hans Boserup (1947), Denmark. As adjunct professor, he has been teaching mediation at the University of Aarhus, Denmark, to law and psychology students. His recent textbook (co-authored by Susse Humle) on the topic is “**Mediationsprocessen**”, Nyt Juridisk Forlag, Copenhagen 2001, (ISBN 87-89319-67-2). This textbook also covers the micro focus inside the mediation process, the issues about free storytelling versus information gathering, control, possibilities and limitations, philosophical and sociologic perspective to mediation. He is part of a research team in mediation at the universities of Luleå, Uppsala and Gothenburg.

Key words: Surfacing information with and without questions or with or without social control, linear exploration in a circular world, the comparison of wolf language to giraffe language, clashes between value systems, communication style and mediation style, separating the agenda of the parties from the agenda of the mediator, dealing with surface issues without dealing with real/underlying issues or the conflict environment, neutrality in systems theory, affective vs. cognitive approach in mediation.

Abstract: Surfacing information to the mediation table is crucial. Information is surfaced to serve the parties rather than serving the mediator. Methods of obtaining and sharing information are diverse. Mediator style in bringing out information and the personalities of the players can change the whole concept of mediation as a practice. Six categories of mediation have emerged as most widely known:

1) Generic, 2) settlement-driven, 3) cognitive systemic, 4) transformative, 5) humanistic and 6) narrative. Some mediators’ methods of uncovering information and defining issues are inconsistent, however, with the individual mediation style chosen. The ability to choose a specific type of mediation suitable for the situation at hand requires the ability to identify and perform the each of the different mediation styles.

The “community mediation movement” of North America (including penal, neighbourhood, and family) gave birth to a similar movement in Europe in the eighties. The first family and victim-offender mediators in Europe naturally shaped the meeting between the parties after that generic community mediation model.

As with the rest of the western world, other mediation styles in Europe were developed in order to serve different purposes. When doing commercial or corporate mediation, civil mediation, family mediation, community mediation, VOM (Victim Offender Mediation) or VOC (Victim Offender Conferencing) we can draw on experiences from this variety of styles.

In both the **generic, transformative, humanistic and narrative** mediation models, we attempt to identify feelings, needs and concerns of the parties in order to create an environment for empathy, empowerment and recognition.

¹ A further elaboration of chapter 8 in “*Mediationsprocessen*”, Boserup and Humle, Nyt Juridisk Forlag, 2001. First presented at the VOMA conference in Portland, OR 2001.



In the **generic, settlement-driven, cognitive-systemic** and partly in the **humanistic** styles intended outcome along with other goals is agreements of *plans* or *transactions*. In the **transformative, humanistic** and **narrative** styles, intended outcome along with other goals is improved *relations*.

Occasionally one or both of the parties are not willing or able to reveal the emotional aspects of the conflict. In response, the mediator may adopt approaches, which are cognitive and intellectual compared to those, which target the affective or emotional. As we shift from the “feeling mode” to the “thinking mode,” we change our pattern of communication, adopting a different way of surfacing information. The mediator moves from the **generic** and **transformative** styles into the **cognitive** style, which has often a **systemic** approach.

In the **generic, settlement-driven, humanistic** and **narrative** styles, the process follows stages. In the **cognitive-systemic** and **transformative** style, the process follows cycles.

Many mediators chose to be the least directive as possible. The art then becomes to surface as much information and as many issues as possible without asking questions, thus the practice of active listening. If the parties are slow to share information or define issues, we may be tempted to speed up the process by asking questions. Question-asking is a highly sensitive matter, and I recommend the use of open-ended, circular questions when questions are needed. Questions reflect our own intentions and have a specific effect, dependent upon the type used.

In numerous mediations, we learn that the process is more important to the parties than is an agreement. This view reflects the **transformative** style of mediation where the concepts of “empowerment” and “recognition” are regarded as more important than an actual written agreement. If we sense that the parties are impatient for an agreement, the **settlement-driven** or the **cognitive, systemic** style may be preferred.

Occasionally, the parties enable us to recognize some of our biases or our own preferred outcomes in a given case we are mediating. To test whether we are fit for continuing the mediation, we may benefit from the **domain theory**, which asserts that mediators must realize that they themselves are an integral part of the process.

Fifty years in the future, when mediation has become a mainstream approach to dispute resolution, I predict that the opponents of mediation will focus on the degree of transparency and social control and the potential risks for manipulation, which exist in the process, by examining communication patterns within. Despite existing regulations inherent in mediation practice, manipulation by mediators can only be avoided through mutual and open discussions and demonstrated facilitation between mediators in order to identify styles of manipulation, and the creation of values preventing their occurrence.

- The different styles of mediation seems to be grounded in the variety in
- Epistemology
- Ideology
- Psychology
- Sociology
- Organizational theory and
- Communication / linguistics

This becomes clear when analyzing the macro perspectives framing the different styles and when analyzing the micro-dynamics appearing in the individual style chosen. Micro-dynamics are:

Check-Outs	Paraphrasing a Request for Recognition
Circular Questions	Parroting
Clarifying the Denial of Recognition	Process Observations
Confrontation	Prompting Questions
Directives to Elaborate	Reassurance
Evaluation	Reflecting Content
Interpretations	Reflecting Feelings
Key-Word Encouragers	Reflective Questions
Metacomments	Reframing
Minimal Encouragers	Request to Elaborate
Mutualizing	Separating Double Messages



Normalizing	Suggestions
Open-Ended Questions	Summaries
Paraphrases	Tracking Questions

Six Basic Mediation Styles:

1. Generic style (1970)
2. Settlement driven style (1980)
3. Cognitive, systemic style (1980)²
4. Transformative style (1990)³
5. Humanistic style (1990)⁴
6. Narrative⁵ (1990) style may be a new bud on the tree of the mediation development⁶.

Ad. 1. Generic style

Structure consists of a stage model – feelings and emotions important – needs, concerns and interests are useful – joint sessions preferred over private meetings (caucus) if possible – active listening and free storytelling – facilitative over evaluative – intended outcomes are agreement, empowerment and recognition.

Structure:

1. Storytelling
2. Defining issues
3. Generating options by brainstorming
4. Negotiation
5. Agreement

Grounding:

- Cybernetics means science of control and regulation of systems – Deriving from the Greek word for steersman (*kybernetes*) introduced as the science of communication and control in the animal and the machine (to which we now might add: in society and in individual human beings)
- Cybernetics of first / second order
- Emotional psychology
- Cognitive psychology
- Psychoanalyze
- Humanistic psychology
 - Existentialism

Ad. 2. Settlement driven style

Structure consists of a stage model – defining issues through exploring needs, concerns and interests important – feelings and emotions recognized as useful – private meetings regarded very useful – information gathering over free story telling – evaluative over facilitative when necessary – intended outcome is agreement.

² Prominent representatives of this style are the late John Haynes www.mediation-matters.com/res-haynes.htm (first president of AFM) and his successor in AFM Larry Fong, Calgary, Alberta, Canada (www.FongMediate.com). John Haynes: *The Fundamentals of Family Mediation*, Old Bailey Press, 1993.

³ This style was refined and defined by Bush and Folger (Bush, Robert and Folger, Joseph: *The Promise of Mediation*, Jossey-Bass, SF, 1994). In 2001 clarified in: *Designing Mediation – Approaches to Training and Practice within a Transformative Framework*, 2001, The Institute for the Study of Conflict Transformation, NY. www.transformativemediation.org

⁴ Mark Umbreit: *Interpersonal Conflicts and Victim meet offender*. <http://ssw.che.umn.edu/rip>

⁵ John Winslade and Gerald Monk: *Narrative Mediation, A New Approach to Conflict Resolution*, Jossey-Bass, 2000.

⁶ I regard - maybe unfairly - the style more like a therapeutic and controlled “change of behavior” model rather than a mediation model. Central parts of the concept are: De-constructing the epistemology, re-constructing listening, questioning ownership to the conflict story, de-constructing entitlements to the context and the labeling of describing terminology adopted by the individual party and emerging of a new and common story.



Structure:

1. Positions
2. Defining issues
3. Information gathering
4. Re-defining issues (needs, concerns, interests) from the newly available data
5. Generating options by brainstorming
6. Negotiation
7. Agreement.

Grounding:

- Cybernetics of first order
- Psychoanalyze
 - Humanistic psychology
- Existentialism
- Positivism – linearity
- Behaviorism
 - Adaptation, assimilation and accommodation

Ad. 3. Cognitive, systemic style

Structure consists of repeated cycles – focus on problems – defining issues through exploring needs, concerns and interests – feelings and emotions regarded not useful data – information gathering over free story telling – circular questions and hypotheses important – intended outcome are agreement empowerment and recognition.

Whenever a *problem* occurs or is identified a cycle like the below mentioned structure take place:

Structure:

1. Wants, needs, concerns, interests – defining issues
2. Information gathering over free storytelling
3. Presenting and exchanging data – open access to data
4. Re-defining issues (needs, concerns, interests) from the newly available data
5. Presenting options or offers related to the re-defined issues
6. Selecting the most suitable options
7. Negotiation
8. Agreement

Cycles are repeated whenever a new problem surfaces.

Grounding:

- Cybernetics of second order
- Systems approach
 - Milan School
 - Curiosity, hypothesis and circularity
- Postmodernism
- Social constructivism
 - Language do not describe reality rather reality is created in discourse

Ad. 4. Transformative style

Structure consists of repeated cycles – focus on situations – feelings and emotions important – needs, concerns and interests are useful – joint sessions preferred over private meetings (caucus) if possible – active listening and free storytelling – facilitative over evaluative – following the parties around and going with the flow is most important - intended outcome are empowerment and recognition.



Strategy:

Attending to empowerment and recognition.

Empowerment and recognition have a very specific meaning in transformative⁷ mediation:

Empowerment is this movement:

Unsettled	→	Calmer
Confused	→	Clearer
Fearful	→	More confident
Disorganized	→	More focused
Unsure	→	More decisive

Recognition is this movement:

Self-protective	→	More attentive to other
Defensive	→	More open
Suspicious	→	More willing to accept other's good faith
Incapable of stepping outside own frame	→	More able to see other's perspective

As the main function of the mediator is to provide an environment where empowerment and recognition can emerge and improve, the mediator is constantly looking for situations of lack of, request for or emerging of empowerment and recognition. The transformative mediator regards sentences as illustrated in the left columns below as signs of particular responses as illustrated in the right columns below. He/she regards these identified responses as signs illustrating lack of, request for or emerging of empowerment and recognition. A mediator wanting to perform the transformative mode therefore learn the sentences cited below and more examples by heart in order to be able to detect situations of lack of, request for or emerging of empowerment and recognition. Whenever a situation of lack of, request for or emerging of empowerment and recognition is identified, he/she slows down the process and creates an environment fit for improving the degree of empowerment and recognition.

Whenever the mediator identifies a situation of lack of, request for or emerging of empowerment and recognition, he/she slows down the process and provides an environment for the cycle below:

Structure:

Spheres of activity naturally shaped and reshaped through the conversational interactions in the session:

1. Creating the context (How do we want to do this?)
2. Exploring the situation – sharing perspectives (What is this about?)
3. Deliberating (What does this mean?)
4. Exploring possibilities – developing ideas (What is possible?)
5. Decision-making (What do I / we do?)

Grounding:

- Interaction between individuals
- Macro and micro dynamics
- Cognitive
 - Cybernetics of second order
- Postmodern
 - Social Constructivism
 - Social and cultural context
- Social psychological and socio-cognitive approach over individual-psychological approach
 - Language do not describe reality rather reality is created in discourse

⁷ This style was refined and defined by Bush and Folger (Bush, Robert and Folger, Joseph: *The Promise of Mediation*, Jossey-Bass, SF, 1994). In 2001 clarified in: *Designing Mediation – Approaches to Training and Practice within a Transformative Framework*, 2001, The Institute for the Study of Conflict Transformation, NY. www.transformativemediation.org



- Discourse analyses
- Speech acts
- Agency

Ad. 5. Humanistic style

Structure consists of a stage model – feelings and emotions important – needs, concerns and interests are useful – in private meetings the parties are prepared for the joint session – the pattern of communication is at the stage of preparation indirect communication facilitated by the mediator; in the joint session(s) a direct dialogue between the parties is preferred and encouraged - active listening and free storytelling – facilitative over evaluative – in joint sessions the mediator tries to be as invisible as possible – intended outcomes are understanding, learning, accountability, empathy, reduced fear and anger, improved sense of mood, empowerment and recognition.

Structure:

1. Storytelling in private preparatory meetings
2. Defining issues in private preparatory meetings
3. Defining context in private preparatory meetings
4. Dialogue in joint sessions
5. Reaching understanding of impact on others lives
6. Developing plans

Grounding:

- Humanistic Psychology
 - Existentialism
 - Spirituality
- Wrongdoing seen as:
 - Infringement of law
 - Infringement of others life

Ad. 6. Narrative style

Structure consists of a stage model – feelings and emotions important – focus is on relations rather than on needs, concerns and interests – re-constructing listening – focus on the dominant and the alternative discourse - elements and functions of stories important - deconstructing the conflict-saturated story - changing the epistemology into a reconstruction of an alternative story important – questioning ownership to the conflict story - de-constructing entitlements to the context and the labeling of describing terminology adopted by the individual party and emerging of a new and common story - intended outcomes are understanding, agreement, empowerment and recognition.

Structure:

1. Storytelling
2. Engagement
3. Deconstructing the conflict-saturated story
4. Constructing the alternative story
5. Agreement

Grounding:

- Cybernetics of second order
- Systems Approach
- Social constructivism
- Language do not describe reality rather reality is created in discourse
- Systemic-constructionist approach



- Existence is made-up via our language and mental scheme of things
- Linguistics
- De-construction
- Re-authoring
- Dominant and
- Alternative discourse

Conceptions

- Within the context of the practices associated with the externalizing of problems, neither the person nor relationship between persons is the problem. Rather, the problem becomes the problem, and then the person's relationship with the problem becomes the problem.
- In this process, the problem becomes a separate entity and thus external to the person or relationship that was ascribed as the problem.
- Life experience is richer than discourse. Narrative structures organize and give meaning to experience, but there are always feelings and lived experiences not fully encompassed by the dominant story.
- As persons separate from the dominant to totalizing stories that are constitutive of their lives, it becomes more possible for them to orient themselves to aspects of experience that contradict these knowledges.
- Re-authoring involves relocating a persons experience in new narratives, such that the previously dominant story becomes obsolete.
- When persons experience problems for which they seeks help, the narratives in which they are storying their experience and/or in which they are having their experiences storied by others do not sufficiently represent their lived experiences, and in these circumstances, there will be significant and vital aspects of their lived experience that contradict these dominant narratives.

Communication adjusted to the six principle styles of mediation

1. Generic mediation
2. Settlement-driven mediation
3. Cognitive, systemic mediation
4. Transformative mediation
5. Humanistic mediation
6. Narrative mediation

Different styles of communication in mediation often depend on the mediation style adopted. Some methods of communication are inconsistent with some forms of mediation.

In **generic** and **settlement**-driven mediation the communication – at least in the beginning – goes through the mediator. Language is a problem solving language.

In the **cognitive** mediation questions are meant to initiate a thinking process rather than a feeling process. The question: “What do you feel?” leads to a completely different process and answer compared to the question: “What do you think?”

In the **systemic** mediation questions are meant to disturb the system in order to initiate reflections. Focus not on the individual rather than the relation between the participants constitutes the system.

In the **transformative** mediation questions are meant to clarify process issues and to encourage decision-making. Questions are never meant to provide information. Statements are replaced with conversations on how to process.

In the **humanistic** mediation questions in preparatory meeting are meant to clarify, to encourage, to empower and to encourage to empathy and recognition. In joint sessions questions are meant to clarify process issues and to encourage decision-making.



In the **narrative** mediation questions are meant to challenge the ownership to the conflict story, to de-construct entitlements to the context and the labeling of describing terminology, to deconstruct the conflict-saturated story, to engage the party into the externalizing conversation freeing the party to act and shape his own life in relation to others and to construct the alternative story.

Not adjusting your method of communication to the style of mediation you wish to adopt will lead to **confusion**.

Information serving the parties or the mediator

The more the mediator surfaces information to improve the awareness and competence of the parties, the less pushing and social control is probably going on. The more the mediator surface information to serve his/hers curiosity and strategy the more pushing and social control is probably going on.

2. FROM RESTORATIVE JUSTICE TO RESTORATIVE PRACTICES: EXPANDING THE PARADIGM

by Ted WACHTEL, President of International Institute for Restorative Practices and Paul McCOLD, Director of Research, International Institute for Restorative Practices (USA)

For the last decade, the International Institute for Restorative Practices (IIRP), which grew out of the Real Justice program, has been developing a comprehensive framework for practice and theory that expands the restorative paradigm beyond criminal justice (McCold & Wachtel, 2003). Academicians and practitioners tend to do their work within their own distinct disciplines and professions. In contrast, the emerging field of “restorative practices” offers a common thread to tie together theory and research in seemingly disparate fields of study and practice. The restorative practices framework presented here is the collective effort of the IIRP’s staff and friends around the world. Since the founding of the IIRP’s Real Justice program in 1994, we have attempted to find or develop applicable theory and definition to apply not only to restorative justice, but also to all the related fields that might benefit from this new way of thinking. The fundamental unifying hypothesis of restorative practices is disarmingly simple: that human beings are happier, more productive and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them. This hypothesis maintains that the punitive and authoritarian to mode and the permissive and paternalistic for mode are not as effective as the restorative, participatory, engaging with mode. If this restorative hypothesis is valid, then it has significant implications for many disciplines. For example, contemporary criminal justice and educational disciplinary practices rely on punishment to change behavior. As the number of prison inmates and excluded students grows unabated, the validity of that approach is very much in question. In a similar vein, social workers doing things for and to children and families have not turned back the tide of abuse and neglect.

Meanwhile, individuals and organizations in many fields are developing innovative models and methodology and doing empirical research, unaware that they share the same fundamental hypothesis. In social work, family group conferencing or family group decisionmaking processes empower extended families to meet privately, without professionals in the room, to make a plan to protect children in their own families from further violence and neglect (American Humane Association, 2003).



Figure 1. Social Discipline Window

In criminal justice, restorative circles and conferences allow victims, offenders and their respective family members and friends to come together to explore how everyone has been affected by an offense and, when possible, to decide how to repair the harm and meet their own needs (McCold, 2003). In education, circles and groups provide opportunities for students to share their feelings, build relationships and solve problems, and when there is wrongdoing, to play an active role in addressing the wrong and making things right (Riestenberg, 2002). In the criminal justice field, these innovators use the term “restorative justice” (Zehr, 1990); in social work, they advocate “empowerment” (Simon, 1992); in education, they talk about “positive discipline” (Nelsen, 1996) or “responsive classrooms” (Charney, 1992); and in organizational leadership, they use terms like “horizontal management” (Denton, 1998). All of these phrases are related to a similar perspective about people, their needs and their motivation.

But in all of these fields, the implementation of this new thinking and practice grows only at a modest rate. Restorative practices is the science of building social capital and achieving social discipline through participatory learning and decision making. Through the advent of restorative practices, using its common perspective and vocabulary, there is now the potential to create much greater visibility for this way of thinking, to foster exchange between various fields and to accelerate the development of theory, research and practice.

The social discipline window (Figure 1) is a simple but useful framework with broad application in many settings. It describes four basic approaches to maintaining social norms and behavioral boundaries. The four are represented as different combinations of high or low control and high or low support. The restorative domain combines both high control and high support and is characterized by doing things with people, rather than to them or for them. Restorative practices are not limited to formal processes, such as restorative and family group conferences or family group decision making, but range from informal to formal. On a restorative practices continuum (Figure 2), the informal practices include affective statements that communicate people’s feelings, as well as affective questions that cause people to reflect on how their behavior has affected others. Impromptu restorative conferences, groups and circles are somewhat more structured, but do not require the elaborate preparation needed for formal conferences. Moving from left to right on the continuum, as restorative practices become more formal, they involve more people, require more planning and time, and are more structured and complete. Although a formal restorative process might have dramatic impact, informal practices have a cumulative effect because they are part of everyday life.



Figure 2. Restorative Practices Continuum

The most critical function of restorative practices is restoring and building relationships. Because informal and formal restorative processes foster the expression of affect or emotion, they also foster emotional bonds. The late Silvan S. Tomkins’s writings about the psychology of affect (Tomkins, 1962, 1963, 1991) assert that human relationships are best and healthiest when there is free expression of affect—or emotion— minimizing the negative, maximizing the positive, but allowing for free expression. Donald Nathanson, director of the Silvan S.



Tomkins Institute, adds that it is through the mutual exchange of expressed affect that we build community, creating the emotional bonds that tie us all together (Nathanson, 1998). Restorative practices such as conferences and circles provide a safe environment for people to express and exchange intense emotion. Tomkins identified nine distinct affects (Figure 3) to explain the expression of emotion in all human beings. Most of the affects are defined by pairs of words that represent both the least and the most intense expressions of a particular affect. The six negative affects include anger-rage, fear-terror, distress-anguish, disgust, dissmell (a word Tomkins coined to describe “turning up one’s nose” at someone or something in a rejecting way) and shame-humiliation. Surprisestartle is the neutral affect, which functions like a reset button.

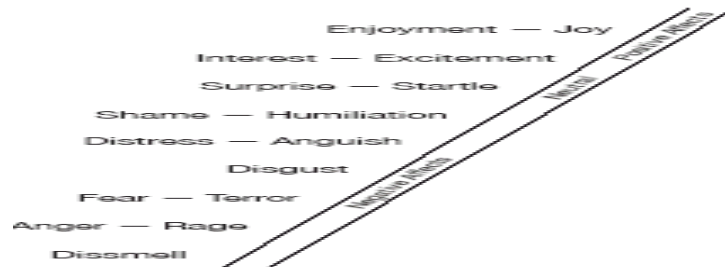


Figure 3. The Nine Affects (adapted from Nathanson, 1992)

The two positive affects are interest- excitement and enjoyment-joy. Shame is worthy of special attention. Nathanson explains that shame is a critical regulator of human social behavior. Tomkins defined shame as occurring any time that our experience of the positive affects is interrupted (Tomkins, 1987). So an individual does not have to do something wrong to feel shame. The individual just has to experience something that interrupts interest excitement or enjoyment-joy (Nathanson,1997). This understanding of shame provides a critical explanation for why victims of crime often feel a strong sense of shame, even though the offender committed the “shameful” act. Nathanson (1992, p. 132) has developed the compass of shame (Figure 4) to illustrate the various ways that human beings react when they feel shame. The four poles of the compass of shame and behaviors associated with them are:

- • Withdrawal—isolating oneself, running and hiding
- • Attack self—self put-down, masochism
- • Avoidance—denial, abusing drugs, distraction through thrill-seeking
- • Attack other—turning the tables, lashing out verbally or physically, blaming others

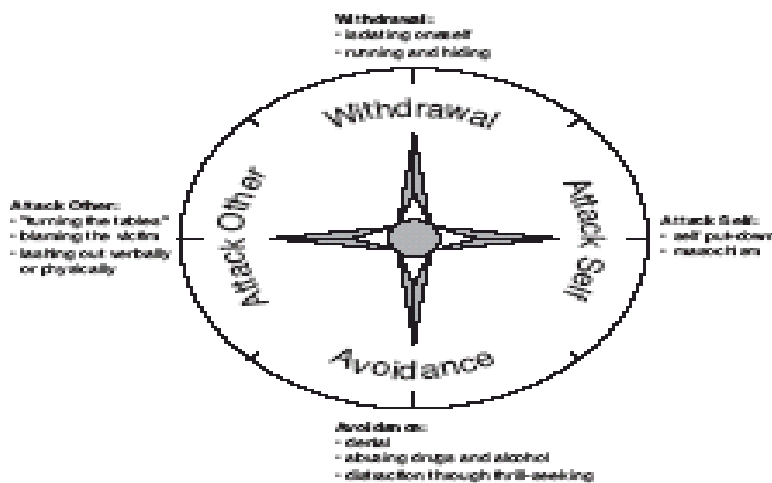


Figure 4. The Compass of Shame (adapted from Nathanson, 1992)



Nathanson says that the “attack other” response to shame is responsible for the proliferation of violence in modern life. Usually people who have adequate self-esteem readily move beyond their feelings of shame. Nonetheless, we all react to shame, in varying degrees, in the ways described by the compass. Restorative practices, by their very nature, provide an opportunity for us to express our shame, along with other emotions, and in doing so reduce their intensity.

In restorative conferences, for example, people routinely move from negative affects through the neutral affect to positive affects. Because the restorative concept has its roots in the field of criminal justice, we may erroneously assume that restorative practices are reactive, only to be used as a response to crime and wrongdoing. However, the free expression of emotion inherent in restorative practices not only restores, but also proactively builds new relationships and social capital. Social capital is defined as the connections among individuals (Putnam, 2001) and the trust, mutual understanding, shared values and behaviors that bind us together and make cooperative action possible (Cohen & Prusak, 2001).

For example, primary schools, and more recently, some secondary schools use circles to provide students with opportunities to share their feelings, ideas and experiences, in order to establish relationships and social norms on a non-crisis basis. Businesses and other organizations utilize team-building circles or groups, in which employees are afforded opportunities to get to know each other better, similar to the processes used with students. The IIRP’s experience has been that classrooms and workplaces tend to be more productive when they invest in building social capital through the proactive use of restorative practices. Also, when a problem does arise, teachers and managers find that the reaction of students and employees is more positive and cooperative.

When authorities do things with people— whether reactively, to deal with a crisis, or proactively, in the normal course of school or business—the results are almost always better. This fundamental thesis was evident in a Harvard Business Review article about the concept of “fair process” in organizations (Kim & Mauborgne, 1997). The central idea of fair process is that “...individuals are most likely to trust and cooperate freely with systems—whether they themselves win or lose by those systems—when fair process is observed.”

The three principles of fair process are:

- Engagement—involving individuals in decisions that affect them by listening to their views and genuinely taking their opinions into account
- Explanation—explaining the reasoning behind a decision to everyone who has been involved or who is affected by it
- Expectation clarity—making sure that everyone clearly understands a decision and what is expected of them in the future

Fair process applies the restorative with domain of the social discipline window to all kinds of organizations, in all kinds of disciplines and professions (O’Connell, 2003; Costello & O’Connell, 2003; Schnell, 2003). The fundamental hypothesis that people are happier, more cooperative and more likely to make positive changes in behavior when authorities do things with them, rather than to them or for them expands the restorative paradigm far beyond its origins in restorative justice.

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