Workshop session 3: School mediation and the micro-dynamics of restorative processes

DILLEMMAS AND POSSIBILITIES IN MEDIATION PROGRAMMES FOR 12-15 YEAR OLD YOUNGSTERS

by Lotte Christy (Denmark)

Summary.

The 12-15 year olds have conflicts with each other – in class, at school, in the club, in the street. Some have conflicts with their parents or other adults. Most of them solve their conflicts themselves. But not all conflicts can be solved without help. And conflicts that are not solved can do great harm. In the worst cases they escalate and develop into violence and crime. On the other hand conflicts that are solved can give the parties new options in life. The idea of this project is to give the young people a helping hand.

The project 'Mediation for 12-15 year olds' has been carried out in co-operation between the Ministry of Social Affairs, the Danish Crime Prevention Council and 8 municipalities. It was carried out from 2003 to 2005.

The basic idea was to give an offer of mediation to the young people in the municipalities in the project. The mediators were educationalists, teachers, social workers, street workers, police officers, and others who in their daily work are in touch with the young people in the municipality. As part of the project the mediators took a seven-day course in mediation and schools, institutions and authorities were informed what mediators could be used for. 52 mediators were trained. They carried out more than 300 very different cases of mediation during the time of the project. Of these 110 have been registered and mentioned in the assessment report of the project.

In mediation an impartial adult helps the young people to talk about their conflict and to find a tenable solution to it themselves. The method is known from victim/offender mediation in penal cases and experiments with mediation at school. In this project the method of mediation is challenged further in that the mediators also have other roles towards the young people. And the young people's parents are naturally in the picture and are affected by the young people's conflicts. The report describes the practical and ethical challenges that the mediators came across during the project:

How voluntary is the young people's participation, in fact?

What part should the parents play in mediation?

Is it possible to mediate in cases that are also reported to the police?

How do the mediators cope with having several roles towards the young people?

How much must the mediator know about the cases in advance?

Which part do friends in the fringe of the dispute play?

Confidentiality as opposed to duty of making a report?

Is it possible to mediate in cases of bullying?

How do you draw the line between handling conflicts and mediation?

Furthermore the report describes the way the project is organised, built up, and managed. It has been difficult to make the offer of mediation in the local area known. It makes a difference how the management supports the project. It is most effective when management and referral are clear so that the cases get to a mediator quickly. This report describes the background of the project and goes through the practical theories and methods. The conclusion is that solid training and consciousness of ethical standard are prerequisite to the mediators being able to tackle the many dilemmas and target the mediation method with regard to specific conflict situations. A good network and supervision by colleagues in the group of mediators are a

good help. The report makes a good basis for debating new initiatives and development of mediation for young people.

The results of the reported cases of mediation are remarkable. The young people who have taken part in mediation seem to refrain from further destructive behaviour in the case. Those who did not actually become friends learnt to get on with and respect each other. The cases are described in the assessment report, which also describes advantages and disadvantages in the different ways the eight municipalities have organised the project. See http://www.hvahardugangi.dk/ (language: Danish)

What are you up to?

Evaluation report from the development project: Mediation for 12-15 years old

Danish Crime Prevention Council: Charlotte Vincent

Abstract of the results

In the project of handling conflicts among 12 to 15 year olds, the target has been young people who to a greater or lesser degree have been known in the local area in connection with inappropriate behaviour or have been involved in incidents of violence, disputes and criminal activities. In general the young people in question are involved in activities that are inappropriate to their development and to their surroundings. Activities that they have had difficulties in stopping and dealing with.

During the time the project has been ongoing, there have been 110 recorded cases of mediation. Furthermore, especially one municipality has used the mediation tools in a large number of 'urgent mediations', approximately in 300 cases. The result has been recorded in 36 cases through interviews with the mediators.

Many of the conflicts have concerned violence, threats of violence and disputes among different parties. Often the conflicts have been serious and to the detriment and discomfort of the involved parties, especially if they remained unsolved or escalated further. The conflicts have reflected the young people's lives at school, in the street and at home.

The 8 municipalities have organised the project in each their way and taking their starting point in their own specific project structures and organisational cultures. This has given the mediators a large number of various options within which to carry out mediation. In some places there have been really good results, in other places not quite as good results. The number of mediations that have been carried out in the individual municipalities has varied a lot, from 2 in one municipality to 35 in another municipality. Several municipalities have had approx. 10 cases of mediation.

Mediation has had a beneficial effect on behavior

Experience from the municipalities who have used the mediation tool with the target group – the 12 to 15 year olds – has generally been that the method is a useful tool in crime preventive work with this target group.

Mediation is seen as a tool that contributes to keeping the young people away from destructive behaviour and at the same time it strengthens the young people's feeling of having influence on their own lives.

Some of the municipalities who have experience of using mediation as a tool and who have dealt with conflicts at school have found this very useful. However, there are different opinions as to the types of conflicts in which it is relevant to use mediation. The question that is asked in this connection is how serious the conflict has to be in order to use mediation. Some people think that with slight modifications, the tool is fine in daily life, others think that there must be more serious conflicts.

It is true in all municipalities that most of the cases in which the final results have been recorded, have turned out to have had a positive effect on the behaviour of the parties involved and that the conflict has not started again.

Out of the 36 cases in which the result has been recorded, 15 of the cases have been from the target group of young people who have been known in the local area for a long time and

who have previously been involved in incidents involving violence, disputes and criminal activities.

The cases are characteristic in that the young people have shown inappropriate behaviour for some time and are more or less well known by the social system.

One of the problems that emerges in this group is that it can be difficult to determine the causes of the conflicts and to assess whether there are also massive social and other problems that play a part. The assessment of the 15 cases in the mediators' records and the registration surveys is as follows:

- In 12 out of the 15 cases, the young people's behaviour has changed for the better, so that they have not been involved in conflicts since.

- In 7 out of the 15 cases, the mediator has noted that the relationship in which the conflict took place has become positive.

- One case has had a negative outcome.

The other target group in the project is young people who have not previously been known in the local area and have not previously shown inappropriate behaviour, prior to the conflict in question in this project.

The results have been recorded in 19 out of the 36 cases.

This group of young people is not previously known by the system and the cases have concerned conflicts among girls (girl conflicts) and other comparatively ordinary conflicts among young people such as various disputes and harassment. A special category of conflicts is those on the internet and on mobile phones.

Many conflicts among young people take place on the mobile phones and on the internet and this often enhances and simplifies the conflicts. Moreover, the conflicts often escalate in seriousness and come to involve many parties. The assessments of the 19 cases seen from the mediators' reports and the registration forms are as follows:

- In 17 out of the 19 cases, the young people's behaviour has changed for the better and they have not been involved in conflicts since.

- In 14 out of the 19 cases the mediator has recorded that the relationship in which the conflict took place has become positive.

- In 2 cases there has been no change.

The third target group was young people who were in conflict with an adult – in many cases their parents, sometimes a professional. It has been difficult to get numbers of how many cases there have been in this target group. Nearly all municipalities have had experiences with these cases but only 2 have been recorded.

- In the 2 cases the conflict between the parents and the young person was solved in a positive way so that the young person changed his/her behaviour and the relationship between the parents and the young person was improved.

It is difficult to say anything about how the young people themselves have experienced mediation and the process. It has not been possible to interview or question many of the young people who have taken part in mediation. There have only been 2 interviews with young people who took part in mediation. However, they were both very positive towards the process.

The result of mediation may in general be said to be as follows:

The majority of the assessed cases have had a positive effect on the target group as the cases have not arisen again and as conflicts between the involved parties have not been seen or heard of again.

The conclusion is that the project has contributed towards keeping the young people from destructive behaviour and towards strengthening them in the feeling of being able to take part in controlling their own lives.

Free will is important

Mediation is characterised by being a voluntary method of solving conflicts. Both parties must say yes to taking part. The mediators in all 8 municipalities think that the principle of free will is one of the most decisive and fundamental principles for mediation being possible. The mediators who have particularly used the method at schools in 'urgent mediations' have been obliged to admit that they have 'bent' the principle and have not always observed it. The dilemma has been described in the report of the project.

Introductory meetings are of decisive importance

The parties are always contacted by the mediator prior to mediation. This may be done by phone or at an introductory meeting. The mediator tells the parties about the process and answers their questions. The purpose of this is that the parties gain confidence in the mediator.

The decisive importance of introductory meetings for the success of mediation is largely agreed on. This is not true of the importance of following up on the mediation meeting. Some think that this must always take place and others think that it need only take place in some cases. Some think that there need be no follow up at all. What is right or wrong in this connection must be one of the subjects that must be discussed further with regard to the implementation of mediation in the municipalities. The introductory work has been described in the report of the project.

Knowing the mediator is important

The mediator is neutral and impartial, but not necessarily unknown to the young people. In general it seems that it is important for young people, particularly in this age group, to know the adults who are mediators.

Organisation is important for success

The project has been organised in different ways in different municipalities and some of these ways seem to have been more expedient than others. In those places where referral has taken place at 'Monday meetings', which are interdisciplinary meetings at which the police also take part with the daily occurrence report, referral of cases has largely worked well. Referral has worked well in those cases in which there has been a central and known staff member who has gone to see the young person and their family.

Referral has not worked at its best in places where the principals have been contact persons for the young people or others who wanted mediation and have also been the contact to the mediators.

Referral has not worked at its best either in places where the parties could contact the mediators themselves, especially not in the large municipalities in which the mediators are not known by the young people.

There have been various ways of referring cases to the mediators. Experience shows that an active person who can communicate and refer cases to the mediators is necessary. In those places where this link has been missing or has not worked properly, the mediators have not been able to work, as they have not had any cases.

Moreover, it seems that municipalities that have established a corps of interdisciplinary mediators with a certain amount of independence, have been most successful. This has been a good model and has given a good flow of cases.

Most of the municipalities had a referral procedure that limited the target group more specifically to groups in which they thought mediation would be relevant. Some municipalities did not think that it was relevant to offer mediation to young people who already had many problems and who were known in the social system. Other municipalities did not have this limitation and one municipality thought that mediation was harmless and therefore could be offered to all young people who the mediator in question thought could benefit from mediation in one form or another.

Likewise there were different opinions of how 'light' cases could be with regard to using the mediation tool. Some municipalities did not think it should be used in 'light' cases. Other

municipalities have used the mediation tool or parts of the tool in 'here and now' cases, also called 'urgent mediation', and have found it very useful in daily life conflicts.

Another circumstance in organising the projects in the municipalities has been the superior steering committees in the project. All municipalities have had a steering committee consisting of leaders at different levels. In some municipalities the steering committees have not been very active and the municipalities have at the same time had difficulties in getting cases. It seems that lacking activity on the part of the steering committee has had a decidedly demotivating and negative effect on the project in the municipalities in question.

With regard to the part of the mediator, most of the mediators have been closely connected to SSP (School, Social services, the Police) in various ways. Several have been SSP-consultants, SSP-teachers or outreaching staff. This seems to have been a relevant starting point for the part of the mediator. Experience shows that mediation goes very well hand in hand with the mediators' other daily work tools.

In this connection several municipalities have found that it is expedient to establish a corps of mediators as such with representatives from different groups and that these groups establish a network for exchanging experience and supervision.

It is a common experience in the municipalities that mediation takes time. Time for introductory work and mediation itself and maybe time for follow up. This does not necessarily mean extra time. The time may well be part of the mediators' ordinary workday, as long as this has been planned. Time beyond the ordinary workday may also be paid for but again it is the experience that the resources a mediator has at his disposal must be specified in advance.

The method

Mediation is a method of solving serious conflicts between parties. It is a method which the parties take part in of their own free will.

The method of mediation is by most mediators seen as a suitable tool for use with young people. Moreover, the mediators think that the various parts of the mediation method are very useful in their daily work as such.

Furthermore, several of them think that the method is particularly useful with young people because of its respectful attitude towards the young people. This aspect is stressed by mediators from one municipality as being particularly important with young people of other ethnic origin. Moreover, voluntary participation in mediation is pointed out as essential to bringing about the intended result.

According to the mediators it was rare that it was the young people who did not want to take part in mediation. More often it was their parents who for various reasons did not want to involve their child in mediation.

According to the mediators, it seems that mediation in general is effective with young people in areas such as:

- Developing and strengthening the young people's social and emotional skills.

- Strengthening the young people's sense of being able to have an influence on their own lives.

- To a certain extent to train their skills in dealing with situations.

- Contributing to preventing the young people's destructive behaviour.

Lotte Christy MMCR (Master in Mediation and Conflict Resolution) is Project manager at the Danish Crime Prevention Council. She is a trainer and mediator at the Danish Centre for Conflict Resolution (DCCR) and a trained teacher. She was co-organiser of and workshop facilitator at international conferences on how to teach peace and conflict resolution to young people. She has written teaching material and articles about conflict resolution and the role of the school and the teachers.

Workshop report by Mari-Cruz

A question was raised to the participants before the presentation started about the age of criminal responsibility in the countries presented. The range was from 7 to 16 years old. After the presentation took place, a debate started about the challenges and dilemmas in mediation for 12-15 years old young people. Among the topics discussed it was pointed out that in this kind of mediation it is more important for young people that the mediator be a trusted person than being absolutely impartial. Other topic was how much the mediator should know about the case. It was pointed out that it is necessary to do preparation when the case is not well known. It is important that the mediator knows if it is possible to be neutral or how the case could affect the mediator's personally. Another topic was the mediation with immigrants. It was said that conflicts are similar in general, but the expression and solution of such conflicts are quite different.

NARRATIVE CO-MEDIATION: THE 'M' TEAM APPROACH IN NEW ZEALAND

by Kerry Jenner (New Zealand)

Used in several high schools in New Zealand and California, this new model of student-student mediation is based on post modernist and social constructionist theory. Narrative Co-Mediation covers

- the methods of introduction into the school culture

- the selection of the mediation team ('M' Team)

- the marketing of the availability of the service to staff and students

- the micro-psychology of actually what creates change within the mediation room

- the networking of schools also using this approach

Narrative Co-Mediation appreciates the idea that there is beauty in diversity. It models this in all structures and processes. Schools working in any one geographic area are encouraged to collaborate in terms of training and mediation issues to constantly improve practices and confidence of mediators. Collaboration includes support for adults in the supervision and management of the 'M' Teams. It also covers the structures in school to facilitate mediation. Student mediators themselves are in contact between schools nationally and internationally.

This approach works well with issues faced by many young people in schools, such as racism, homophobia, social exclusion and is well used by special needs students in schools where it operates.

Mediators are expected to actively demonstrate respect for all parties at all times. The method involves two mediators co-working, where overt power-sharing is an active part of the process.

Kerry Jenner developed this approach, when working as a counsellor in high schools in New Zealand. Since then, she has travelled to the USA, funded by the State Department, to further her work with a cluster of schools in California. She currently works to support restorative practices in 18 high schools in the Auckland region of New Zealand for the Ministry of Education. Kerry has completed her Masters thesis on the topic and is currently enrolling in a PhD that will see this work published.

Workshop report by Julie Henniker

The workshop discussed a model of mediation applied in school, where the students were trained for mediation. Issues around trust, respect, power, equality and neutrality were addressed. It was discussed how to demonstrate these concepts via the language and the narrative. The main stages of mediation were presented:

1. opening the session – introduction, safety issues

2. hearing the individuals' stories

3. finding a new story – new understanding of the stories

4. closing - agreements

REFORMING THE CRIMINAL JUSTICE SYSTEM THROUGH SOCIAL HEALING

by Jane Hill and Graham Wright (UK)

Widening the path to transformation: Restorative Justice and the Case for Social Healing

The recent and belated emergence in England and Wales of restorative justice can be seen as a positive development that has the potential both to challenge the hegemony of the largely retributive nature of the traditional criminal justice system and to be a catalyst for transformative justice (Dignan, 2003). However, Goodey (2005), Dignan (2003) and Johnstone (2004a) have recently expressed their concerns about the form in which restorative justice is currently being implemented and they are wary about whether, in the future, restorative justice will have a significant part to play in the criminal justice system. Sharing these concerns, this paper points to the need to resist pessimism and avoid the problem of restorative justice being transmuted by a system to which, in some respects, it is ideologically opposed. It is argued that the way to inhibit the co-option or corruption of restorative justice principles (Immarigeon, 2004) is to consider the values upon which restorative justice strategies have been formed, in order to expose those values that are often neglected in the process of implementation.

The article identifies social healing as the key value that should underpin restorative justice. This builds on the work of Bazemore (2001: 209) who states healing is '[T]he first and most important big idea of the restorative perspective…' It is a value that has even been obscured by intra-restorative debates, particularly those that have dichotomised process and outcome. Through the focus on healing, it is argued that it is possible to gain a more convincing commitment to restorative principles through which a challenge to the taken-for-granted assumptions of traditional criminal justice can take place. It is our contention that healing has the potential to take place on three levels –the individual level, between victims and offenders; at the criminal justice policy level where those implementing restorative justice strategies can bring about institutional changes through their practice; at the societal level where greater community and inter-agency involvement in restorative processes become the filter through which, to use Zehr's analogy, the lens is changed.

In order to pave the way for any transformation of justice, the seeds of such transformation need to be recognised in existing practices whilst, simultaneously, the factors that are most likely to hinder the transformative potential need to be challenged.

The significance of restorative justice is that it has the potential to provide a formidable challenge to the traditional punitive retributive justice system. On a global scale it has been generally well-received and it is now firmly established as a justice principle in many countries. However, there remains a need to avoid the dilution, co-option or indeed distortion of restorative justice principles. The ways in which some advocates of restorative justice have 'sold' their ideas, especially by promoting the measurement of victim satisfaction and crime reduction as the main outcomes of restorative justice, as Johnstone (2004a:2) warns, has undermined the movement's ability to challenge taken-for-granted assumptions about crime and justice. In particular it has a capacity to challenge the assumption that punishment is the inevitable and only solution to crime.

The worldwide expansion of restorative justice programmes (Van Ness, 2000; Miers, 2001), and the generally favourable assessments of them (for instance see Latimer, Dowden, and Muise, 2005) might suggest that there is reason to be confident about the next stage of developments in restorative justice. The evidence in England and Wales to date indicates that restorative justice does work in a variety of settings. The Home Office (2004), for example, declares there is a need to build high quality restorative justice into all stages of the criminal justice system, although implementation is partly justified on the managerialist grounds of greater efficiency and the freeing up of court time. To some extent, then, it would seem that the political battle for 'hearts and minds' has been won. However, unlike, for instance, in New Zealand (and potentially Northern Ireland) where restorative principles have brought about a significant change to the justice system, there has not yet been, and importantly, there is no significant indication of, a paradigm shift in the justice system in England and Wales. As Goodey (2005:209) states, '[A]t best, in light of current practical realities, restorative justice

might more accurately be described as an adjunct to traditional forms of justice in England and Wales.'

If restorative justice in England and Wales really is to provide a challenge to traditional justice systems at this time, the mode of implementation is particularly crucial. It is our belief that there is a need for a declared unifying value that links process and outcome and provides the opportunity to balance the benefits of restorative justice between all stakeholders. That value is social healing.

Social healing is facilitated by a discursive approach that allows all 'stories' to be told. It is through the telling of different stories that the opportunity for social injustices to be revealed is provided. Thus restorative justice is more likely to provide the transformative potential that is lacking in the formal, case-based and individualised criminal justice system. Whether advocates of restorative justice are positioned within or outside of the formal system is not the important issue, rather it is the values that underpin their work that should be made clear and prioritised. Then, as Immarigeon p149 citing Zehr (1985:15) has imagined, '[R]estoration, making things right, would replace the imposition of pain as the expected outcome in new paradigm justice. Restitution would become common, not exceptional. Instead of committing one social injury in response to another, a restorative paradigm would focus on healing.'

There is opportunity for considerable further academic discussion in this area as there is yet to be a sustained debate amongst restorative justice advocates which would provide a real challenge to the traditional criminal justice paradigm. We argue that a front-ended restorative justice model would ensure compatibility to social healing as a fundamental value underpinning the principles of justice and it would indicate a genuine state commitment to a new criminal justice system.

Jane Hill and Graham Wright are both senior lecturers in the Faculty of Law Humanities Development and Society at the University of Central England in Birmingham. They are both members of the Centre for Criminal Justice Policy and Research currently researching in the areas of community safety and restorative justice.

Workshop report by Anne Salberg

The presenters exposed their concept of "social healing", that is making all parties feel better socially and materially in a positive way.

They asked the following questions for the café conference:

1. 3 levels of healing (individual, institutional, structural and social level) were identified: how realistic is it to operate at three levels?
2. Can empowerment come before healing?

In the discussion, questions and concerns were raised:

   o RJ has to be integrated in the criminal justice system, like in Ireland where the offender can opt either for RJ or for the traditional criminal justice process taking an informed decision. The judge controls if the offender has complied.

   o The guilt question has not been addressed in the RJ but is formalised in the criminal justice system.

The presenters emphasised that it is important to promote alternative models; not all crimes are known in the criminal justice system because often victim and offender know each other and there is no official report taken; not everybody wants punishment; some people want to be heard.

"Restorative justice: An agenda for Europe", Barcelona, Spain, 15-17 June 2006

SHAME, GUILT AND TRUST: DEVELOPING A BASIS FOR PEACE MAKING AND PEACE BUILDING

by Roger Matthews (UK)

In recent years there has been an ongoing debate about the theoretical and practical basis on which to build forms of Restorative Justice. A number of leading contributors to this debate such as John Braithwaite have advocated a shame-based model. While others have argued that most Western countries are guilt-based societies and that developing forms of shaming may not only be inappropriate but counterproductive. IN this paper it is argued that it is 'trust' which is the key concept in play in restorative and peace making practices and that if we wish to develop more effective interventions that we need to further explore the processes by which trust is lost and investigate ways in which it can be re-established.

Roger Matthews is Professor of Criminology at London South Bank University. He is the editor of 'Informal Justice?' (Sage 1988) and 'Privatizing Criminal Justice' (Sage 1989). He is also author of 'Doing Time: An Introduction to the Sociology of Imprisonment' (Macmillan/Palgrave 1999). He has also written articles on Restorative Justice and the development of alternatives to custody.

Workshop report by Lara Baena Garcia

Roger Matthews argued during his talk that the failures in criminology in the last 20 years are due to being engaged to shamed-based strategies. He went through the beginnings of informal justice during the early 80s and the critics appeared by the end of that decade, as well as the publishing of John Braithwaite's book *Crime, Shame and Reintegration* which linked shaming to reintegrating structures and its evolution and involvement in RJ as a strategy. He argued that RJ is not about shaming people but rebuilding relationships and trust, therefore he claimed that shame-based RJ processes should be replaced by trust-based ones. After the presentation, the debate focussed on whether practitioners in the audience agreed on his thesis and what the role of shame and trust were in their daily practices.

RE-CONCEPTUALIZING RESTORATIVE JUSTICE FOR SCHOOL SETTINGS

by Paul McCold (USA)

Restorative justice began as an idea about a constructive and respectful response to crime, as a theory of criminal justice distinct from approaches based upon the application of punishment. The implications of restorative justice to school settings was obvious from nearly the beginning of the movement. The International Institute for Restorative Practices has coined the term restorative practices to refer to the broader application of restorative justice beyond the crime and justice settings (Wachtel & McCold, 2004).

This paper reviews the meaning of the most commonly accepted definition of restorative justice and applies this definition to a typology of formal restorative practices. Restorative practices will then be considered in the social context of schools and examples of informal restorative practices will be presented. These practices will be placed in the public health violence preventative model and integrated with the Braithwaite's ideas of responsive regulation in a school setting. Finally, the paper considers the implication of the broader field of restorative practices for European schools and toward the eventual improvement of whole societies.

Restorative justice has come to mean different things to different people. Definitions range from those based upon intended outcomes, the values embodied, and the processes used. Perhaps the most accepted definition combines all three as adopted by the United Nations, which defines a restorative justice programme as "any programme that uses restorative processes and seeks to achieve restorative outcomes." They go on to define—

> Restorative process means any process in which the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator. (United Nations Economic and Social Council, 2002)

A restorative outcome is defined as "an agreement reached as a result of a restorative process includes responses and programmes... aimed at meeting the individual and collective needs and responsibilities of the parties and achieving the reintegration of the victim and the offender."

It is important the developments in Europe are in accord with these basic principles. While some may think that distinctions raised over the fine points of definitions appear to be "a weird inter-faith squabble in an obscure religious sect" (Bazemore & Scheff, 2004), the meanings of terms are critical to the establishment and development of a new paradigm. I first raised the concerns in 1999 when some European leaders in restorative justice were claiming that court ordered community service work are the "cornerstone" of restorative justice (McCold, 1999; 2000). More recently, I challenged the inclusion of community service work imposed by a panel of community volunteers as a primary restorative justice model (McCold, 2004). Neither of these practices involve the stakeholders coming together to determine for themselves what harms were done and reaching an agreement about how to repair those harms—as required in the U.N. definition. Stakeholder empowerment is not just an obscure semantic squabble, but is the central principle of restorative justice (Zehr, 1989; Barton, 2003; McCold & Wachtel, 2003; McCold, 2004).

I developed the restorative practices typology to demonstrate how the requirement for the active participation of the victim, offender, and others affected by the offense can provide a useful conceptual framework and hierarchy of formal restorative justice practices. While all program types are necessary, practices which involve the three sets of primary stakeholders are more restorative than programs involving only two, and these are more restorative than programs involving only one stakeholder. These assumptions have been supported with empirical results from a large number of restorative justice programs (McCold & Wachtel, 2002).

From this logic, Wachtel and McCold (2004) developed their definition of restorative practices as "processes where those directly affected and/or those in positions of responsibility respond to misbehavior with both limit-setting and social support by encouraging responsible cooperation." For school settings, the culture of the institution can itself become a restorative milieu, that is, a social environment which places a premium on encouraging responsible behavior by continuously holding individuals respectfully accountable to each other and the group through restorative practices (McCold, 2002).

Applying these concepts to the preventative case where no wrongdoing has yet occurred, the three-fold typology of victim-offender-community of care gives way to one with two actors, the individual and their community of care. Of course, every individual needs support from a multitude of communities, including family, interest groups, faith communities, friends and their families, peer groups, perhaps the village community, and most certainly, the school community. The individual student learns important life lessons from these communities if they are constructively engaged, including that the individual matters, that he/she is valuable, is capable, is helpful, is trustworthy, can learn to trust and is capable of growing. From these, the individual learns that everyone matters, others are capable, that others can be helpful, and the world can be trustworthy. Normal social learning occurs in interaction with these communities of care depending upon their salience to different students (Glenn & Brock, 1998).

When properly activated and engaged, these communities teach individuals to be respectful, responsible, and resourceful, or they teach disrespect, self-interest, and dependency. The task for society is to ensure communities of care are mobilized to support the former set of life lessons. Schools can contribute to this using a variety of restorative practices ranging from formal to informal, including structured restorative milieus, circles of support and accountability, restorative conferences, family group decision-making, youth development circles, problem-solving groups, small impromptu conferences, one-to-one mediation, restorative questions, and affective statements. These each can contribute to primary prevention targeting the whole school population, for secondary prevention by targeting kids in crisis and students with high risk factors, or in a purely tertiary prevention as a response to delinquents, drop-outs, and throw-aways

All of these formal and informal restorative practices need to be the primary responses to resolving problems or concerns as they arise to remain responsive to the specific individuals and circumstances according to the regulatory pyramid proposed by Braithwaite (2002). The adoption of informal and preventative restorative practices would address many of the concerns facing European school systems, including the need for flexible classroom management approaches, the prevention of conflict and violence, support for disadvantaged groups, countering under-achievement, integration of ethic minority groups, and preventing exclusion from school (European Commission, 2006). Restorative practices are the way to a cooperative and vibrant school culture for all children, whose inevitable outcome can only contribute to more peaceful and healthy societies.

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Dr. Paul McCold is currently conducting research on a variety of restorative practices as the Director of Research for the International Institute for Restorative Practices, Bethlehem, PA. He received a Ph.D. in Criminal Justice from the University at Albany in 1993 and was a research scientist for New York State for 10 years. Paul is currently Chair of the Alliance of NGOs on Crime Prevention and Criminal Justice (NY) where he represents the Friends World Committee on Consultation of the Religious Society of Friends. He has been a member of the Alliance's Working Party on Restorative Justice since 1995.

Workshop report by Lívia Hadházi

Defining Restorative Criminal Justice:
United Nations Economic Social Council

1. "Restorative Justice programme" means any programme that uses restorative processes and seeks to achieve restorative outcomes.
2. "Restorative process" means any process in wich the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator. Restorative processes may include mediation, conciliation, conferencing and sentencing circles.
3. "Restorative outcome" means an agreement reached as a result of a restorative process. Restorative outcomes include responses and programmes such as reparation, restitution and community service, aimed at meeting the individual and collective needs and responsibilities of the parties and achieving the reintegration of the victim and the offender.

Continuum of restorative practices:
Informal to formal:
- Affective statements
- Restorative question
- One to one mediation
- Small impromtu conferences
- Problem- solving groups or circles
- Youth development circles
- Family group decisionmaking
- Restorative conferences
- Circles of support and accountability
- Structured restorative milieu

Restorative Practices in School Setting

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RESTORATIVE JUSTICE: A STUDY OF A DISPUTE RESOLUTION PROGRAM

by Sarah Smith (USA)

The following presentation reflects the results of a qualitative study of a Dispute Resolution Program, Prince William County's Restorative Justice Program, conducted by Sarah M. Smith through The George Washington University. The program is administered in conjunction with the 31st Judicial District Circuit Court and handles first-time juvenile offenders aged 9 to 17 charged with felonies or misdemeanours. Participants in the program are selected by judges, probation officers, or law enforcement officers as either a diversion from court or in addition to court adjudication: approximately 90% are diverted and 10% are selected by a judge. The purpose of the program is to repair the harm caused by crime through the participation of involved parties in an open, safe environment where the crime and its effects can be discussed. The program curriculum consists of an Orientation, Victim Impact Program sessions, and an Accountability Conference, if the victim agrees to participate. This study does not examine recidivism or satisfaction ratings but, rather, attempts to understand the process of restorative justice in the context of its supporting theory, linking theory to practice. The study examines *how* program staff encourage open and honest communication, empathic and sympathetic orientations in victims and offenders, and non-criminal, prosocial attitudes and behaviours by offenders, the purported benefits of restorative justice. In addition, empirical evidence generated by this study is used to analyze the utility of post-modern theoretical perspectives, principally ideas advanced by Foucault and Lyotard, to inform a model of restorative justice.

Sarah M. Smith, born in Arlington, Virginia, received a Bachelor of Arts degree in Sociology from the College of William and Mary in 2001. Ms. Smith received a Master of Arts degree in Sociology from The George Washington University in 2005 and plans to earn a PhD in 2009.

ODR AND RESTORATIVE JUSTICE (EMOTIONS IN THE AREAS OF NEGOTIATIONS MEDIATION AND CONFLICT RESOLUTION)

by Marta Poblet (Spain)

For years, emotions have been widely considered in the areas of negotiation, mediation and conflict resolution in general. In this sense, restorative justice has not been an exception. Standard methods of mediation have therefore dealt with the individuals' arousal and expression of a vast array of emotional states. More recently, cognitive and social psychology have developed an extended research focusing on psychological phenomena that are likely to impact both the content and the outcome of conflict resolution processes.

If we consider IT enhanced ADR (also known as ODR) as a communicative process involving a group of individuals engaged in a problem-solving task, we will need to admit that emotions are an essential component of the individuals' attitude towards the disputing process. However, ODR techniques have raised concern as whether they are able or not to deal with emotional states of participants. This presentation proposes a review of recent literature on emotions and ODR to identify which emotional components and patterns of behavior may be most relevant in this specific context. We will suggest as a preliminary conclusion that ODR techniques may prove helpful for specific contexts of restorative justice.

Marta Poblet is a researcher at the UAB Institute of Law and Technology. She is a doctor in law (Stanford University, 2002) and she is a graduate in both Political Sciences and Sociology and Law. Her fields of research are legal institutions and organizations, judicial systems, and alternative methods of conflict resolution.

Workshop report by Zuzana Slezakova

ODR, also called on-line dispute resolution or cyber mediation, is a way to settle a conflict by using any possible IT techniques – like emails, on-line programmes, chats, or audio and video conferences. The ODR techniques have raised concern whether they are able or not to deal with emotional states of participants. An in-depth review of literature on emotions and ODR was presented, and the issue was discussed.

The conclusion was that it seems that IT techniques cannot replace face-to-face RJ techniques; however, they may be a very helpful way for dealing with some cases (e.g. participants do not want to meet in person or it is not possible for other reasons).

RESTORATIVE PRACTICES IN SCHOOLS

by Betty Robinson

Restorative Approaches in Schools in Scotland is a new and very exciting development. Three areas in Scotland, including my area Fife, were part of the Scottish Executive's pilot to reduce exclusions and help restore discipline in High Schools.

The first part of my workshop looked at - Has Discipline gone from our Schools?
Numbers (%) of exclusions had risen
Verbal abuse, disobedience, offensive behaviour and temporary exclusions had all risen. Temporary exclusions can be from one to five consecutive days.
Discussed the purpose of exclusions -
Is it to allow time for reflection?
Does it maintain safety and good order within school?
Does it offer a learning opportunity for those involved?
Does it offer respitte for those affected?
Does it actively seek the views and opinions of all parties?

A readmittance meeting is held prior to a decision regarding allowing the child back into school. This meeting is usually conducted by the Rector or Deputy Rector and attended by school social worker, school nurse, guidance teacher, behavioural support teacher, integrated community school worker, school liason police officer, child's head of year teacher, representative of other agencies involved with the child or family, parent/guardian and child.
The person or persons who have been affected by the behaviour are not invited to the meeting, and if the child is allowed to return to school, the person affected is unaware of why the child is in school.

The questions relating to the purpose of exclusion are not being answered. While it may offer some respite that is a very short term solution.
Does this work for teachers, pupils, parents, school or the wider community? It would appear not to as the person responsible is not asked to take responsibility for their actions, understand the harm caused or try to change their behaviour. Support for those involved is not offered in a positive way and no resolution to the situation has been achieved.
This does not fit in with the Social Discipline Window showing punitive, neglectful or permissive approaches do not achieve the restorative outcome of 'high on control and high on support'.

The punitve approach - whether to punish or not and how severe the punishment should be appears to be the only way to deal with these behaviours as an overall societal trend schools have become increasingly punitive. This is a no win situation for all involved as punitive measures alone do not change or moderate the behaviours.
This approach can also undo the bonds between educators and pupils. Punishment has not proven to be effective in stopping rude or challenging behaviour and is a passive experience demanding little or no participation for the person responsible.

The restorative approach offers an opportunity for people to take responsibility and be accountable for their own behaviour, gain an understanding of hurt caused and take steps to make amends, move on and make positive changes.

This is NOT an easy option, as many believe it is, as it is much more difficult to face up to what they have done and make amends.

The second part of the workshop is 'How to Achieve a Safe and Harmonious Learning Environment?
To allow this to happen the aims of a restorative approach should take into account:
Reducing disruption caused by inappropriate behaviour Improving the classroom environment for everyone Increase time for learning and teaching Divert pupils from exclusion by challenging the behaviour that leads to exclusion

How will we know if this is successful:
Staff, pupil and parent satisfaction by reduction in referral rates, exclusions, repeat exclusions and an improvement in behaviour and ethos.
So, how do you restore discipline:

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By using the skills applied in restorative approaches - communication, conflict management, supporting those responsible and those harmed.

Active listening, assertiveness not aggression, awareness of wrong doing, separating the person from the behaviour

Apply the values of restorative approaches - participation, respect, honesty, humility, interconnectedness, accountability, empowerment and hope.

R.P. requires peole to speak openly and honestly about feelings, harmful behaviour disempowers those harmed. The healing process for those harmed and the hope for change for the person responsible. In the past teachers and staff have taken a very directive approach without taking full cogniscience of everyones views, particularly the childs.

Follow the processes of a restorative appraoch - facts, consequences and future Support from senior management can help staff through the processes by allowing time and a safe place to explain and discuss why the behaviour is unacceptable.

If young people are permanently excluded what are the effects on school young people and society.

School - may gain a reputation for not being able to deal with situations and exclusions are being used to move the problem elsewhere.

Young person - no education can result in lack of appropriate social skills, future employment and hopes for a better family life.

Society - lack of skills, low standards of output, devaluing the role of education and weakening of societal structures.

Dealing with the day to day low level situations that occur in schools, using a restorative approach, will reduce exclusions and readmittance meetings. This will allow time for staff to teach and develop positive relationships with pupils and their colleagues.

This would also allow time for more complex and difficult situations to be resolved.

A safe and harmonious environment allows everyone within the school to have a happier and more positive outlook for the future.

Betty Robinson is Team Leader of a Restorative Justice Service in Fife Scotland working with 11-16 year olds, and has been involved in youth justice services since 1996. She has been involved in the development and training of restorative practices in schools in the Fife area of Scotland.

Workshop report by Mike Bell

Amongst the participants there was strong interest in restorative practices in schools. The discussions looked at the present system and its inability to cope with disruptive issues in school settings. During the discussion most of the questions were about the ways in which restorative practices could be embedded in the school culture so that restorative practices do not remain only as one of the applied tools but become an underlying approach of the school's atmosphere in general. It is highly important to recognise the successful pioneering work in applying restorative practices in schools, such as some Australian projects showed.

THE IMPLEMENTATION OF RESTORATIVE PRACTICES IN SCHOOLS

by Peta Blood (Australia)

The implementation of restorative practices in schools is much more than just another behaviour management tool, it provides an ideal platform for cultural change. Effective implementation of restorative practices requires realignment in thinking and behaviour within the school community. Repairing harm and taking responsibility for behaviour requires that we understand the environment to which relationships are being restored, and an understanding of the core business of that environment. Schools are a place for learning at a social and academic level. Restorative practices assists schools to develop a highly functioning social environment, which in turn sets the platform for academic success.

Practitioners working with schools need to understand the implications of working in a relational context, the layers of implementation and how this contributes to key educational outcomes. There are a number of factors that contribute to successful implementation. This workshop will explore the elements of effective practice in the implementation of restorative practices in an educational context.

Peta Blood is an Australian practitioner working with schools on the implementation of restorative practices. She is among the leading practitioners working internationally to enhance practice implementation. Peta is on the advisory board of Emotional Literacy Australia and is currently working with others to establish an international restorative practices association.

Workshop report by Mike Bell

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RESTORATIVE SCHOOLS: HOW TO MAKE THE IMPLICIT EXPLICIT

by Nicola Preston (UK) and Les Davey (UK)

This presentation will look at the use of restorative practices in the school community to build relationships, deal with conflict and repair harm. This approach engages the whole school community including all staff, students, parents and others associated with the school. Much of what happens in schools when it is done well could be considered to be restorative and most of us will be able to identify the restorative teachers within a school. However, much of what makes this approach restorative is implicit and therefore sometimes difficult to replicate and model. This presentation will look at how those implicit restorative practices can be made explicit and how this explicit framework can help to build a restorative school community. An explicit framework allows staff, students, parents and all those involved with the school to identify what is restorative, challenge behaviour when it is not restorative and engage in restorative practice on purpose more of the time.

Nicola Preston is Business and Accreditation Manager for the International Institute for Restorative Practices in the UK. She is involved in facilitating conferences and training practitioners in restorative practices in the fields of education, criminal justice and workplace conflict. Nicola has been involved in the UK with the development of Best Practice Guidance for Restorative Practitioners and is involved in the Development of an Association for Restorative Practitioners.

Les Davey is the UK Director, of the International Institute for Restorative Practices. Les has developed programmes that bring restorative practices to schools, communities, workplaces and the care sector. He has worked on "Good Practice Guidelines" and National Occupational Standards for Restorative Practices' in the UK and developed accreditation opportunities across further and higher education."

Workshop report by Vera van der Does

The title of the workshop was very promising, pointing out that the principles and mechanisms are already there, continuously present. The importance is however to make them more explicit, in order to use restorative practices more often and on purpose and have the possibility to reflect on one's practices.

During a very thorough presentation, touching upon the contrasting adversarial and restorative system and explaining the aim of RJ practices in school communities, the four key elements were discussed. In a very stimulating and interactive way, the importance of the social discipline window, a fair process, restorative (or relational) questions and free expression of emotions were discussed.

As a general conclusion, for RJ to be explicit, it must actively integrate the following aspects:

- working in the 'with' box, where there is a high level of both control and support
- fair process, which can only be achieved through engagement
- use of restorative (or relational) language and questions
- the Tomkins blueprint, the possibility to freely express all emotions.

If this is taken into account and made explicit, it makes reflection on practices and individual situations and cases more easy and a more natural behaviour and response. It is all about building relationships and repairing the harm, by moving from the past to the present and towards the future.

In this very open and stimulating setting, the participants in the workshop were invited to close the session by expressing 'what they had learned' and 'what they had realised' as a result of the workshop and discussion. They expressed that by learning how to make the 'implicit' 'explicit', they would take a valuable experience home.

SCHOOL MEDIATION IN CATALONIA

by Estel Solé (Spain) and Pere Led (Spain)

This workshop will give information on an innovative programme in the educational field, involving more the 3.000 teachers, 1700 pupils and 400 parents and mothers in 173 public Schools of Secondary Education.

This mediation system is quite different and exceptional from other school mediation systems because we work between students; there is not any adult present during the mediation process. Our mediation system called *Mediation Between Students,* was the first system trying to solve school problems without punishments in all schools in Catalonia.

The school, IES Lluis de Requesens started with Mediation in 1997 influenced by the mediation system developed in some schools in France. IES Lluis the Requesens was the pioneer school in Catalonia and, slowly, most of schools started to solve students' problems with mediation, but not with the same system as in Lluis the Requesens: the mediation in the rest of schools is not between students but always there is the presence of some adult (normally a teacher) during the Mediation process.

It is important to know that the presence of an adult is not necessary to solve any fight or any argument. Between the students in IES Lluis de Requesens the Mediation System is well known, so when any student has a problem he/she chooses two mediators and during the breakfast break they start mediation. Pere Led and Estel Sole will describe in detail the mediation process in this school.

Pere Led is at present responsible for the Program of Communal Life and School Mediation of the Department of Education of the Government of the Generalitat de Catalunya. He was Deputy Director General of Permanent Training of the non-university Teaching Staff for 7 years and Director General of Juvenile Justice from the Department of Justice for 5 years. He is graduate in Philosophy (University of Barcelona), Psychology (Universitat Complutense of Madrid) and Theology (Faculty of the Jesuits of Sant Cugat del Vallès).

Estel Solé is studying Humanities in the Universitat Oberta de Catalunya (UOC) and is working as a producer in 25TV; in her free time she is working as an actress.

Workshop report by Nerea Marteache

After the presentation of each school mediation-experiences some questions were asked to the speakers. The participants were curious about the details of mediators' training, so they asked if the students, teachers and parents were trained separately or all together. It was also asked how long the training lasted in each case. The funding of the training was one of the main topics in the discussion, as well as how the fact of having institutional support made the development of such a project much easier.

SCHOOL MEDIATION IN THE PROVINCE OF BARI

by Ilaria de Vanna (Italy)

Numerous scientific studies have shown the quality of learning is tightly correlated to the communicative and relational quality of the scholar-familiar context. Investigations conducted by regional Institutes, in cooperation with C.R.I.S.I. and other associations in the province of Bari, have underlined school is also one of the places in which different forms of violence develop and where divergent and antagonistic interests often provoke, in particular among boys, misunderstandings and tensions, resulting in different forms of uneasiness and conflict. Insofar the project aims to prevent violence inside the school borders.

The presentation is about a C.R.I.S.I project in a middle school in Bari.

Ilaria de Vanna is a psychologist and family therapist. She has been a mediator (Family, penal, social, civil sector) at C.R.I.S.I. centre and in the Office of Civil and Penal Mediation in Bari since 1997. She has been a mediation trainer since 1997.

Workshop report by Nerea Marteache

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In the the workshop there were also questions referring to the daily work of the mediators and how the community sees their work. Through examples of their real experience they explained how they do their job and where do they find the biggest difficulties.

THE 4-WAY-INTERACTION OF MORALITY, NEUTRALISATION, SHAME AND BONDS

by Borbala Fellegi (Hungary)

While numerous studies have explored the procedural elements of restorative justice, the policy-related issues raised by this approach as well as its influences on communities both on micro and macro level, there has been little emphasis on the social-psychological mechanisms of restorative practices, i.e. on the issues of *why* this way of responding to crime might be more effective in reintegrating offenders and *how* it can achieve this goal more successfully than other sanctioning approaches.

This presentation intends to discuss whether the concepts of moral development, neutralisation, shame and social bonds and their possible interconnections can help us to understand the impact of restorative justice, and if so, how.

The main argument of the presentation is based on two presumptions: firstly, mapping the possible interrelations among offenders' moral development, their use of neutralisation techniques, their shame feelings and shaming mechanisms from their social environments, and finally their social bonds can be highly beneficial in developing effective responses to wrong-doing on both individual and systemic levels. Secondly, restorative justice with its personalised way of dealing with conflicts has the potential to beneficially influence offenders' as well as their community's attitudes towards the effective reintegration of rule-breakers.

In the first part, some *main theories* will be presented in the field of the four selected dimensions. In order to be able to model their interconnections, their effects on offending and the influence of restorative processes on them, each dimension will be operationalised by using some of the main theoretical concepts of each field. For illustration, extracts from interviews conducted with serious offenders in English prisons will also be shown.

This will be followed by *describing a model* that might shed a light on the ways in which these dimensions relate to each other and contribute to offending behaviour.

In the third part, a *restorative process* will be presented in more detail, with an emphasis on those procedural elements that can be beneficial in realising changes towards the successful reintegration of offenders within the above-mentioned dimensions. In short, the presentation will intend to demonstrate the ways in which the process of restorative justice might affect the aspects of morality, neutralisation, shame and social bonds in the reintegration process.

Finally, the main *policy implications* of this approach will be discussed with some remarks on how restorative practices could and should consider the four detailed dimensions while designing their concrete models. In other words, the importance of the thorough consideration of each dimension will be highlighted. The presumption behind it is that if we would like to improve our social responses given to criminality and focus on implementing such interventions that have the real potential to reduce the harm that has been resulted by the conflict, we cannot avoid taking into account the dimensions of morality, neutralisations, shame feelings and social bonds.

The presentation intends to draw the following conclusions:

Firstly, moral levels of offenders are different and their relative development might have more significant role in reintegration than expecting a universal and absolute moral level from them. Secondly, the use of neutralisation techniques primarily indicates some commitment to conventional values, even though responsibility-taking and the reduction of justifications are essential in further reintegration. Thirdly, shame and shaming processes might also have significant role in integration, but only if they are properly acknowledged and counter-balanced by reintegrative attitude from the shamers. And finally, the characteristics of offenders' social bonds might largely determine the outcome of any influences on morality, responsibility and shame. 'Excluding' bonds have to be recognised before taking any other reintegrative initiatives, and they have to be strengthened to become more 'integrative' prior to using other interventions. If it is not done, even well-functioning programmes might cause failures in reintegration, while if integrative bonds are assured, due to their catalyst role, any positive influences on morality, neutralisation and shame might be significantly more effective, and might also result the further strengthening of social ties, even if the integrative bonds are temporarily 'threatened' or damaged.

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The common needs of these factors to help the reintegration process are the direct communication and acknowledgement of the interests and emotions, the personal and active involvement in the processes, and the opportunity to tailor the actual procedure to the specific needs of the affected participants. Restorative justice might fulfil these requirements, and can help the reintegration process by influencing offenders' moral development, neutralisation, shame and social bonds. However, thorough preparation of any intervention is essential in order to ensure the proper initial moral attitudes, some responsibility-taking from the offender and reintegrative intentions from the community. The investigation of the characteristics of offenders' existing social bonds might be useful to choose the most appropriate form for the future reconciliation (e.g. victim-offender mediation or conferencing, direct or indirect meeting, the question of who should be invited as participant, etc.). In the case of 'excluding' bonds, other initiatives have to be used as complementary services to restorative justice, in order to help the community to gain more 'integrative' ties. This point also shows that restorative justice in certain cases cannot solely account for the successful reintegration; it has to be embedded within a wider social context where this approach is supported by other institutions as well.

A basic condition and potential of the general appropriateness of restorative justice is its ability to be individually tailored to the specific needs of the cases. It means that due to its flexibility, this way of responding to crime might be very personalised, and effective, but if the individual factors of each cases are not considered before using any specific model, the restorative 'machinery' might result not only in failures, but also in damages to the participants.

Not surprisingly, it all leads us to two basic questions: firstly, how could we ensure the appropriate consideration of the factors mentioned above in order to realise good practice? Secondly, have we ever been thinking about the ways in which our current mainstream (primarily retributive) criminal justice systems influence offenders' moral thinking, neutralisation techniques, shame-feelings and social bonds towards social reintegration?

The consideration of these issues might have significant implications on the future's criminal justice policies. Hopefully, they will be discussed in later studies so that we could gain a more thorough picture about the applicability of the restorative philosophy in striving for justice and reintegration.

Borbala Fellegi is a PhD researcher at the Eötvös Loránd University (Hungary), working on the implementation of restorative justice in Hungary. She obtained a Master degree in social policy (ELTE University) and in criminology (University of Cambridge). In 2004 – 2005 as a junior researcher of the European Forum for Restorative Justice she was working on an AGIS project focusing on the possibilities for implementing restorative justice in Central and Eastern Europe. Amongst other activities she is currently chairing the Research Committee of the European Forum.

Workshop report by Borbala Fellegi

Participants of the workshop, who are active in the practice of mediation and/or conferencing expressed that the presented theories about moral reasoning, neutralisation, shaming and social bonds do well reflect to their practical experiences. The importance of thorough preparation was emphasised in order to prevent that restorative intervention cause further harm for the parties involved. Representatives of closed institutions added that in case of internal conflicts shame-feelings that can be perceived in offenders can often be experienced also in victims' behaviour. The importance of acknowledging shame was highlighted, also from the victims' side.

There was further discussion about the difference between the traditional criminal justice intervention and the restorative justice approach concerning the four dimensions detailed in the presentation.

Namely, retributive justice tends to

1. prevent further harm by considering offenders being at the pre-conditional moral stage and not on higher moral stages where they could recognise the

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underlying principles behind the rules (the concept of deterrence that is highly significant in the retributive approach is based on the fear from punishment);

2. strengthen the use of neutralisation techniques in offenders, since excuses can often be used as mitigating factors in the judicial process;

3. apply measures (conviction and punishment) that can often have a strong stigmatising/labelling effect on the offender, resulting in rather stigmatising than reintegrative shaming; and finally

4. make it highly difficult to maintain and strengthen social bonds due to the exclusion of offenders from the society and the disallowment of keeping regular contacts with the significant others (especially when offenders are in prisons).

THE PSYCHOLOGY OF VICTIMS IN RESTORATIVE JUSTICE

by Antony Pemberton

The two most prominent developments in criminal justice in the last twenty to thirty years are the rise of restorative justice and the recognition and improvement of the position of the victim. Because of this coincidence and evidence that participating in restorative justice procedures may be beneficial for victims, restorative justice advocates mostly assume that restorative justice procedures to be a victim-oriented improvement on criminal justice. However the intellectual foundations of restorative justice are in fact quite ambivalent about the position of the victim, being mostly focused on the offender and the community and there is a lack of theory and evaluative research concerning victims within restorative justice.

The aim of this paper is to develop a theoretical model for victims within restorative justice which incorporates perspectives from social and personality psychology that are predominantly used outside of the criminal justice context. Keywords are anxiety, post-traumatic stress disorder and attributions of blame on the one hand and anger, rumination and forgiveness on the other.

Adapting these perspectives to the context of restorative justice will provide insight into benefits and risks for victims participating in restorative justice procedures as well as enhancing the possibilities of combining restorative justice procedures with other measures designed to help victims cope in the aftermath of crime.

Antony Pemberton MA is senior staff member for Dutch Victim Support. He is program manager for Victim Support's restorative justice activities, editor of the Ducth Flemish Journal for restorative justice and is completing a PhD-project on victims within restorative justice at the International Victimology Institute at Tilburg University.

Workshop report by Borbala Fellegi

During the discussion it was emphasised by one of the practitioners providing mediation in serious offences that victims need to have a complex picture about the possible risks of the mediation. However, if they still choose to participate in mediation regardless of the potential dangers, they should have access to this service and their decision should be respected above all.

The concept of sincerity of offenders, more precisely the *perception* of victims about offenders' sincerity needs to be further elaborated. In order to provide complex pictures for victims about offenders' attitudes, practitioners need to know more about the general psychological process of remorse, and the background factors of the given offenders, especially concerning their psychological, sociological and cultural circumstances.

Participants also expressed that more research would be needed concerning the concept of forgiveness as well as about the specific needs that victims have while participating in a mediation. In other words, more knowledge is necessary concerning what victims want to gain from mediation.