THE PSYCHOLOGY OF RESTORATIVE JUSTICE

Gavrielides' edited collection revolutionizes our understanding of restorative justice through its multidisciplinary, global and comprehensive approach. Despite the volumes written on this topic and billions spent by governments to implement restorative justice programs, the concept remains poorly understood and inconsistently implemented. Through both a theoretical and empirical framework, the authors in this collection discuss critical issues in restorative justice policies and practices and offer a cohesive understanding of the restorative justice movement. I highly recommend this book for academics, practitioners and policy makers alike.

Karen Terry, John Jay College of Criminal Justice, USA

Full of lively chapters that demonstrate that it's not difference that divides practitioners but silence, The Psychology of Restorative Justice *offers a range of multi-disciplinary voices that challenge complacency, invigorate debate and articulate what future next steps might be.*

Lorraine Gamman, University of the Arts London, UK

Justice, in Plato's The Republic*, means harmony, both internal, in the form of the soul, and external, in the form of the state. Restorative Justice, therefore, harmonizing the victim with the offender, is justice* par excellence*. Theo Gavrielides' new collective volume is the epitome of harmony in conflictual situations, in theory and practice, and in psychological perspectives, including the latest research in neuroscience.*

Calliope Spinelli, University of Athens, Greece

Nils Christie invited us to be provocative, creative and critical in seeking justice for those in conflict with the law and each other. He believed that the power of the state, alone, could not deliver justice; he believed in the power within each of us to own our conflicts. This book is a testimonial to that conviction, grounded in the latest praxis across disciplinary domains. It is a must read for anyone interested in the limits and human potential of restorative justice.

Brenda Morrison, Simon Fraser University, Canada

Howard Zehr suggests that 'Restorative Justice is not a map but the principles of restorative justice can be seen as a compass pointing a direction'. With this book the authors point the readers in a new direction, namely to explore restorative justice through a multi-disciplinary lens. By stimulating the discourse about how restorative justice as well as its practices and approaches can bring about justice (restoration) on a deeper level than its current application within a legal paradigm, this book inspires continued debate that transcends the existing boundaries of what we understand restorative justice to be. This is indeed a pioneering and exciting direction.

Marelize Schoeman, University of South Africa, South Africa

Nils Christie (24 February 1928 – 27 May 2015) was a Norwegian criminologist and is considered by many to be one of the founders of the contemporary restorative justice movement. He was a professor of criminology at the Faculty of Law, University of Oslo from 1966. He published 'Conflicts as Property', a paper that is said to have opened the debate on restorative justice. Christie is well known for his long-standing criticism of prisons and industrial society and was often called an abolitionist and a reformist.

Nils Christie was a light on the hill who showed us how to take back our conflicts to transform lives and societies toward paths of social justice. He wrote even in English in a evocatively Norwegian voice that resonated authentically from his roots—John Braithwaite

It is with great humility and honour that I dedicate this volume to Nils Christie who paved the way for contemporary restorative justice. May his vision for returning conflicts and empowering the disempowered be a guiding light for us all—Theo Gavrielides

Nils' provocative work had a significant impact here in North America in the 70s, 80s and beyond. In both form and content they helped shape my own early writing about restorative justice—Howard Zehr

The Psychology of Restorative Justice
Managing the Power Within

Edited by

THEO GAVRIELIDES
IARS International Institute, UK and
Restorative Justice for All, UK

ASHGATE

Contents

List of Figures

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Andy Cook qualified in clinical psychology in 2013. Prior to this she worked at the Clermont Child Protection Unit as a senior practitioner consultant undertaking

Court-directed risk assessments, facilitating treatment programmes and working therapeutically. In this context she was concerned with the parents' capacity to change and became interested in the repair of family relational bonds in the aftermath of child protection concerns. When the opportunity arose to research restorative justice interventions within forensic mental health services she was keen to take this on. Her doctoral research was a qualitative exploration of the experience of restorative approaches in a forensic mental health setting. Andy now works as a clinical psychologist within a forensic mental health setting and retains a keen interest in restorative justice.

Gerard Drennan is a consultant clinical psychologist and professional lead for clinical forensic psychology at the South London and Maudsley NHS Foundation Trust. Gerard trained as a clinical psychologist in Cape Town 23 years ago, and has worked in forensic mental health settings in London and Sussex for the past 16 years, while undertaking training as a psychoanalytic psychotherapist and a restorative justice facilitator. Gerard has worked with colleagues across the forensic network in the UK and overseas to articulate the meaning of recovery in settings where mental health difficulties and offending behaviour intersect.

Theo Gavrielides is an international expert in restorative justice, human rights and criminal justice and an advisor and project manager for EU and international programmes. He is the founder and director of the IARS International Institute and the founder and co-director of the Restorative Justice for All Institute (RJ4All). He is also an adjunct professor at the School of Criminology (Centre for Restorative Justice) of Simon Fraser University as well as a visiting professor at Buckinghamshire New University. Theo is the editor-in-chief of the peer-reviewed *International Journal of Human Rights in Healthcare*, as well as the *Youth Voice Journal* and the *Internet Journal of Restorative Justice*. He has published extensively in the areas of restorative justice, human rights, youth justice, equality and criminal justice. Previously, he was the chief executive of Race on the Agenda, as well as the human rights advisor of the UK Ministry of Justice.

Isabel González Ramírez is director of the Centre of Mediation, Negotiation and Arbitration and academic director of the mediation and arbitration Masters programmes, Universidad Central de Chile. Since 2002 she has been professor of criminal law and mediation in the School of Law at the same university. She is a lawyer (Universidad Católica de Chile) and mediator, holds a Masters degree in criminal law (Universidad Central de Chile) and is a graduate student of the doctoral programme in criminal law of the University of Buenos Aires. She directed the Office of Access to Justice, in the Ministry of Justice. She is also the author of various publications in restorative justice.

Ioanna Gouseti is currently a PhD candidate in the Department of Methodology at the London School of Economics and Political Science. Her doctoral research

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Henry Kiernan has been a registered restorative justice facilitator and trainer since 2002, gaining accredited practitioner (RJC) status in 2011. He regularly facilitates and trains staff in education and other organizations including forensic mental health, and is a member of the RJC Standards and Accreditation Practitioner Committee. He was previously a head teacher and education consultant.

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Nicola Preston has been involved in restorative practices in the UK since 1996 as a founder member of the Restorative Justice Consultancy in Thames Valley Police, where she served for 14 years as a police officer, introducing restorative justice to cautioning as well as the complaints and grievance processes within Thames Valley Police. The work of the Consultancy led to the development of national youth offending services and the spread of restorative justice across the UK. Since that time she has been a trainer, facilitator and researcher in the field, working for 10 years with the International Institute for Restorative Practices (IIRP) in the UK as their assistant director for training. Nicola was involved with the Restorative Justice Council from its establishment and has been part of working groups that have developed national best practice standards and accreditation. She has presented at conferences nationally and internationally on the development of restorative justice and practice. Nicola is currently a primary school teacher and special educational needs co-ordinator at Charles Warren Academy in Milton Keynes, working with 4–11 year olds. She also teaches online courses in restorative practices for the IIRP Graduate School and is a member of the Board of Trustees for IIRP Europe. Nicola works part time as a senior restorative justice practitioner for the Thames Valley Partnership involved with two victim-initiated restorative justice projects funded by the Police and Crime Commissioner. Nicola has a BA (Hons) in psychology from Reading University, an MA in restorative practices and relationships from Chester University and an MA in education from Northampton University. Both Masters degrees involved dissertations focusing on restorative practices.

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Foreword:
The Psychology of Restorative Justice,
Where Have You Been?

The most shocking thing about this important, new book is that it has not existed before now. It is hard to believe that we have had over two decades of sustained insight, excitement and investment in and around restorative justice theory and practice, and yet only in 2015 are we getting a book with the title *The Psychology of Restorative Justice*. What does this say about restorative justice? Equally, what does it say about the field of psychology? How could two such natural bedfellows have so successfully avoided one another the past 20-odd years? As the psychologist Michael McCullough (2008) wrote, '[a]lthough the restorative justice movement was created without reference to the principles of evolutionary psychology, no evolutionary psychologist could do much to improve on this combination of ingredients for making forgiveness happen' (p. 178).

The lack of psychological analyses of restorative justice is especially surprising when one considers that the term 'restorative justice' itself is often attributed to the writings of a psychologist, Albert Eglash (see Van Ness and Strong, 1997). Of course, like the contributors to this fascinating collection, Eglash was hardly a mainstream psychologist, if there is such a thing. Eglash's sparse writings (see, for example, Eglash, 1957, 1959, 1977) were very much based in the 'real world' of correctional practice, not in university psychology labs, and he tended to draw magpie-like from fields as diverse as social work, German theology, Kleinian psychoanalysis and youth studies as much as from psychology proper (see Maruna, 2014, for a review). One might argue that it is only through this diverse, cross-disciplinary engagement that it was possible for him and the other pioneers of restorative justice (who also worked in a wide variety of academic fields or none at all) to build such an original and transformative theory and practice.

Such a hypothesis would certainly receive considerable support from this volume. Contributors, including both practitioners and researchers, here draw eclectically on the vast array of scholarship in the psychological sciences, from neuroscience to script theory to positive psychology, to highlight different aspects of restorative practices. The result is a far richer understanding of restorative justice but also a richer exploration of the potential of psychology for helping us think about criminal justice. Both fields of study – restorative justice and psychology – have adopted their own uniforms over the years, without recognizing that what they were actually fashioning were straightjackets.

Restorative justice is, of course, the newer of the two areas, and has been an interdisciplinary pursuit from the beginning. More importantly, the concept's origins (in founding texts like Christie, 1977) are definitively anarchic and anti-statist in origins. At the heart of the restorative idea has always been a critique of state justice, top-down authority and imposition of justice from above. In recent years, though, the power of restorative ideas has persuaded states to adopt the principles in statutory justice work. Such victories are surely to be celebrated. If restorative justice is going to live up to its revolutionary potential as a new framework for justice, impact on statutory justice practices is absolutely essential. At the same time, there is something worrying about the professionalization of restorative justice efforts. At the very least, the more institutionalized restorative justice becomes, the more genuine the risk that the restorative label might become co-opted by criminal justice agencies who utilize the term to dress up traditional punitive or rehabilitative practices.

In terms of academic work, there is a parallel risk of the emergence of a 'usual suspects' group of 'professional spokespersons' for restorative justice. Restorative justice, as an idea, belongs to all of us, not just a handful of expert 'RJ theorists'. The more scrutiny the concept receives from across the academic spectrum, the better. I hope this book triggers parallel volumes in The Economics of Restorative Justice, The Anthropology of Restorative Justice, The Politics of Restorative Justice and other insights from history, communication studies, law, philosophy, performance studies and more.

Yet, psychology is a perfect place to start – especially since this volume also represents an important new development for psychology itself. Indeed psychological theory may benefit more than restorative justice theory by an engagement with this book. As someone trained and steeped in psychology for much of my career, I have been saddened to see (and experience) the non-sensical efforts to narrow the scope of the psychology of crime. As demonstrated in this book, the field of psychology is a broad, eclectic and endlessly fascinating area of study. Yet, the psychology of crime has been inexplicably limited in scope to include little more than a fixation on risk prediction, structured rehabilitative programming, offender profiling and, of course, eye witness testimony and other forms of courtroom research. This forensic psychology mainstream is of course deeply valuable and has found an important place at the table in the criminal justice system, but it represents only a tiny fraction of what psychology can do and be.

I cannot count the number of times I have been told 'that's not psychology' by psychologists (of all people), because the work is, say, qualitative in nature or because it involves exploring how individuals change on their own instead of how they change in randomized trials, for instance. Whereas other fields (one thinks of economics here) risk being too expansive by trying to colonize every area of enquiry (the economics of crime, the economics of education, the economics of mating and so on). The psychological study of crime appears at times to seek to justify itself by defining itself against criminology: 'If criminologists talk to prisoners, we're not going to talk to prisoners. If criminologists get involved in

activism around justice issues, we're not going to get involved in activism. If criminologists get bogged down in theory, then we're not going to do theory.' As a result, we have a psychology of crime that is increasingly free of, well, psychology!

Thankfully, in the present volume (notably, the editor and originator of this volume is not, himself, a forensic psychologist!), we have a chance to see the richness of what real psychology can be – even qualitative, activist and theoretical! This is great news for psychology and great news for justice studies to see what we can learn from the oldest social science. Leave it to restorative justice (again) to lead the way in breaking this important, new ground.

Shadd Maruna
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Dedicated to my father Constantinos Gavrielides

Acknowledgements

<u>Hopes and Fears of the Unknown</u>

Silence. So quiet in the calm of these sounds around me.
It's been a long time
In the midst of cold and unfulfilled promises
silence takes new dimensions
Extreme dimensions of darkness and light.

And the faces that I know become the saving grace of tomorrow.

So much to look forward to
So much to care for
And so many people to meet and greet
Time goes by and the shadows hide in the corners of my room.

Paths that lead to doors with great promises and fears
Where will this journey end?

Theo. 22 August 2014

The editing of this book felt like a journey into the unknown. Taking a path to new destinations felt both intimidating and exciting. But like all road trips, when taken with good company, they can only lead to exciting adventures. Sometimes, they can even become triggers for life reflection, bringing on new challenges. My poem above captures some of my feelings, hopes and fears while exploring multi-disciplinarity as a tool for constructing a psychological concept for restorative justice. Much has been written on restorative justice. This time I felt compelled to challenge the movement and myself by opening doors into the unknown. Without any background in behavioural sciences and with a natural bias towards normative thinking, I set off editing this volume in the hope that my fellow travellers would guide me through it, while putting up with my legally trained attitude and mind. We are still learning how to do restorative justice well and it is our obligation, as scholars, to provide practitioners with rounded and evidence based arguments about its strengths and weaknesses.

Therefore, I must here acknowledge the support, trust and wisdom of all my contributing authors. Their expertise, time and responsiveness are indeed greatly appreciated. I must also acknowledge the trust and excellent collaboration I had with the publisher, Ashgate, and my commissioning editor, Alison Kirk, as well

as her team. This is the third project that we have completed together, and indeed look forward to what is yet to come.

My initial inquiry into the contribution of behavioural sciences to restorative justice theory and practice started with discussions with Dr Piers Worth, head of the Academic Department of Psychology at Buckinghamshire New University, where I serve as a visiting professor. Our debates led to the setting up of a multi-year project focusing on positive psychology and restorative justice. Its first findings were published as T. Gavrielides and P. Worth (2013), 'Another push for restorative justice: Positive psychology and offender rehabilitation' in *Crime: International Perspectives, Socioeconomic Factors and Psychological Implications*, New York: Nova Science Publishers. Chapter 11 in this volume presents the final findings of this programme. I am thus grateful to Dr Worth for his collaboration and indeed friendship. I must also acknowledge the funding that we received from the Research Challenge Fund of Buckinghamshire New University, as it enabled us to complete the research. Many thanks also go to the remaining research team: namely, Dr Matthew Smith (senior lecturer, Bucks New University), Andriana Ntziadima (researcher, the IARS International Institute) and Ioanna Gouseti (PhD candidate, LSE). Despoina Bardosi must also be acknowledged for putting together the index.

Serving the blindfolded Goddess Themis has given me a higher purpose in life and a true direction even in my darkest moments. Thinking about the new avenues that I hope this book will lead us to, I want to dedicate it to my father who passed away suddenly and recently. A servant of justice himself, he inspired me to pursue goals that are larger than my own existence. Here, I must also thank my mother for her continuous support for my decisions. Despite our occasional disagreements, love and by extension trust, have guided us through the years. My gratitude must also be expressed for the friendship and intellectual stimuli that I receive from Professor Vasso Artinopoulou and her family. A true champion of justice, intellect and natural beauty, she always challenges me to be a better writer, a more objective researcher, a richer soul and a better person. Finally, many thanks to you for reading this book. I truly hope that you will enjoy the challenges and knowledge that it promises.

Theo Gavrielides
12 March 2015

Chapter 1

A Micro-Social Psychology of Restorative Justice: The Contribution of Positioning Theory

Giuseppe Maglione

Introduction

Among the diverse developments within social sciences during the past 50 years, one stands out as particularly relevant (Korobov, 2010). This is the analytical endeavour to bridge macro and micro dimensions of social action, focusing on the fluid transactions between small-scale/short-term social practices and long-term/large-scale institutions (Bateson, 1972; Granovetter, 1973; Goffman, 1974, 1981; Bourdieu, 1984). In this perspective, the traditional distinctions between individual and social or agency and structure, have become more blurred, precarious and questionable. The so-called 'discursive turn' in human and social sciences has further fuelled such a transformation, which is at the same time epistemological, methodological and theoretical (Potter and Wetherell, 1987). This work aims at showing the potential contribution of a recent instance of this scholarly development – that is, positioning theory (PT) – to the understanding and the advancement of restorative justice (RJ). The concept of 'positioning' consists in an attempt to challenge the static idea of 'role' within traditional social psychology, in order to articulate both a more interactive and dynamic sense of the multiple 'selves' one 'has', and also how these are actively constructed, in conversations between people or in other discursive contexts (Davies and Harré, 1990; Harré and van Langenhove, 1992, 1999; Harré and Moghaddam, 2003). The positioning's grammar elaborated by Rom Harré and colleagues can be applied as an heuristical tool to develop a specific understanding of RJ practices, focusing on the power dynamics and conversational shaping of the self which might take place within RJ encounters. Moreover, PT can be used as the backdrop for a 'normative' elaboration of RJ. This means that it could help to point out the potential of RJ to redefine the criminal/legal labels which constrain participants' possibilities of doing, being and becoming, offering instead opportunities to rethink themselves, their actions and relationships, in 'restorative' ways. Along these lines it is possible to advocate for a discursive understanding of RJ as an emancipatory and transformative framework for dealing with social conflicts and harms.

The argument of this chapter is established throughout two main sections. First, I provide an introduction to PT, focusing on Harré and colleagues' work, its scholarly underpinnings and recent deployments. In the second section I introduce and discuss the rationale behind the application of PT to RJ, as well as concrete normative and descriptive ways PT can contribute to the development of research and practice of RJ. Some concluding thoughts are finally presented.

Positioning Theory

The concept of 'positioning' is originally known for its use in the marketing of products, services and brands (Trout, 1969). In this context, 'positioning' consists in detecting and trying to occupy a market niche for a brand, product or service by discursively establishing a unique and appealing identity. Within social sciences the first use of 'positioning' was made by Wendy Hollway (1984), who described women's and men's subjectivities as 'the product of their history of positioning in discourses' (p. 228), making reference to the philosophy of Michel Foucault and Louis Althusser. Harré and colleagues, starting from the early 1990s, have further elaborated on Hollway's intuition, offering an articulated theory (i.e. PT) which has gained momentum in the scholarly literature over the past 15 years, mainly due to its contribution to bridge the gap between people, institutions and societies in social analysis (Zelle, 2009, p. 1).

PT emerged in the academic milieu of late 1970s social psychology. Overall, social psychology consists of 'the scientific field that seeks to understand the nature and causes of individual behaviour in social situations' (Baron, Byrne and Suls, 1989, p. 6). Harré, originally a philosopher of science, has contributed to the revision of social psychology through the elaboration of a broad interdisciplinary approach (that is, 'ethogenics'; see below) which combines social psychology with philosophy of language and microsociology (Harré and Secord, 1972; Harré, 1979; Harré and Gillet, 1994). Within this perspective, PT represents the most well-known and widely applied conceptual development. In the following sections, I will focus on the PT's ontological, epistemological and theoretical underpinnings as well as on the possibility of enriching PT by re-elaborating its 'post-structuralist' roots.

Positioning Theory: Positions, Speech Acts and Storylines

As Davies and Harré have openly acknowledged, PT emerged as an attempt to overcome the problems inherent in the use of the concept of role in developing a social psychology of selfhood (Davies and Harré, 1990). They hold that the concept of 'positioning' can be used to facilitate a linguistically orientated thinking of the interplay between individual and social in ways that the use of the concept of 'role' would not permit. 'Positioning', as a methodological tool, is meant to offer a different viewpoint on the dynamic aspects of social encounters, charting

their interactive unfolding in everyday life, in contrast to the way in which the use of 'role' serves to highlight static features. More precisely, Harré (2004) describes PT as 'the study of the nature, formation, influence and ways of change of local systems of rights and duties [that is, what you may say/do and what you may not] in small scale social interactions [that is, conversations]', influenced by broader societal discourses (p. 5).

'Positioning' per se is a metaphorical idea that expresses the discursive process by which an individual 'locates' herself/himself (or is located by others) within and through conversation, how speakers' rights and duties, opportunities, obligations and constraints are taken up and laid down, ascribed and appropriated, refused and defended in the fine grain of the encounters of daily lives, within an unfolding storyline (Davies and Harré, 1990; van Langenhove and Harré, 1999). How these speakers' sets of rights and duties (or positions) are shaped and used, within and through conversation, is what a positioning analyst aims to understand (van Langenhove and Harré, 1994). Rights and duties form a sort of 'local moral domain' inserted and gaining meaning within wider storyline(s) developed during an encounter, a dimension usually neglected by psychologists working on conversational interactions (Harré et al., 2009).

The precondition for the positioning is the fact that people's words are provided with 'illocutionary force', the capacity to 'do things with words' in the outer world (Austin, 1962). This is nothing but the social force of discursive acts (also known as speech acts): words do not passively describe the world, but actually shape it, defining our possibilities of doing, being, becoming. It is possible to schematically represent the structure of positioning as the combination of position(s), illocutionary force(s) and story line(s). These three elements and their relationships form a sort of triangle within which it is possible to interpret a wide range of social events (Harré, 2004).

Types and Examples of Positionings

Positioning acts have been described by van Langenhove and Harré (1999) as varying according to 'who positions who' and according to the content of positions. The main way of classifying them is between first-, second- and third-order positioning acts. A 'first-order positioning' takes place when an individual locates herself/himself and others, engages in speech acts and follows a storyline (van Langenhove and Harré, 1999, p. 20). Second-order positioning occurs when the first-order positioning is intentionally challenged by a speaker and has to be then negotiated. This situation might happen when one of the participants in a conversation feels that she/he is being 'wrongly' positioned and thus demands to be repositioned, claiming new rights and duties in the social interaction. Third-order positioning happens when a speaker negotiates a positioning act taking place in a conversation with someone else (van Langenhove and Harré, 1999, p. 21). This occurs when participants in a particular conversation observe another conversation and challenge the positioning happening in this other encounter.

An example can clarify how different forms of positioning actually work. An instance of first-order positioning paradigmatically occurs during criminal justice trials.[1] When a suspected offender tries to challenge the judge or the prosecutor's statements, the judge (or prosecutor) usually authoritatively reminds (that is, discursively positions) the suspected offender that 'it's not his role', that the 'court questions and he answers', that he cannot go 'off topic', that 'we are here to discuss a specific charge' and so on. In this case, we can easily detect a specific institutional storyline (the trial) based on a wider discursive reservoir ('conventional' criminal justice), a certain set of speech acts (questioning, deposition, cross-examination, reprimanding and so on) and one main example of first-order positioning (the authority locates in the conversation the suspected offender, imposing certain rights and duties as a speaker – but also as a legal subject), mobilized within and through a face-to-face interaction.

Let us imagine now, that once the suspected offender has been positioned by the court, he responds saying that the court or the prosecutor has been 'paid' by the victim; for this reason he will not recognize the court/prosecutor's authority, because in short they 'nothing have in common with the really fair justice'. In this way the suspect challenges the first-order positioning enacted and imposed on him in the first instance by the authority, drawing upon a certain discursive field (the 'really fair justice'), performing a certain speech act (public criticism from a moral stand), ultimately repositioning the legal authority and herself/himself.

At this point of the story, the court might consider the suspect's behaviour as contemptuous and then order a police officer to limit the suspect's freedom, scheduling a new hearing. Getting out of the courtroom the suspect might finally shout to the audience, that he was actually allowed as a 'good and abiding citizen' to denounce the court's corruption; it was indeed his 'duty'. In this way we also see a third-order positioning act lastly performed. Two things should be additionally noticed. The first is that the different participants' moral stands anchored in a given societal discursive reservoir ('conventional' criminal justice), create a rigid asymmetry between the participants, enforcing the court's positioning of the suspect. This shows a typical power dynamic taking place when certain positionings are enacted by certain subjects (the court), performing speech acts with different illocutionary force. The second remark is that this kind of process might result in deeply affecting the participants' experience of themselves, even modifying their idea of themselves (understood as social self; see below), especially if repeatedly performed (for example, the suspect's self-image as 'good and abiding citizen' might be weakened or even strengthened by the court's actions).

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1   This example is drawn from the author's direct experience as audience to a court case held at the Florence Justice of the Peace Courthouse, Italy.

Selves, Others and Power

As already highlighted, PT is originally meant to contribute to a social psychology of selfhood, freed from the objectifying consequences of 'role theory'. Traditionally, within social psychology, the formation of the self in relation to social situations is a crucial topic. The 'role theory', as a specific social-psychological perspective, has typically interpreted the development of self as related to roles (or social positions – for example, husband, student, writer, etc.) tied to statutes (sets of social expectations) rooted in wider social structures (Biddle, 1986). In this way, the self emerges from the individual's strain to conform to social expectations in a broader social context. This perspective helps to describe and explain the self's static features (or fixings), but 'pays the price' to objectify and reduce the individual agency in shaping one's personhood (Davies and Harré, 1990).

In contrast, PT focuses on the formation of self from the specific angle of the local and conversational production of the personhood, as a dynamic and fluid process which involves an agentic role for individuals. On this view, Harré starts from the basic idea that persons 'have' selves (Harré, 2004, p. 3). He identifies four main items in personhood that the word 'self' is currently used to designate. There is the *embodied self*, as the unity and continuity of a person's point of perception and action, a relatively self-identical and fixed self. The *autobiographical self* is the 'character' of the stories we tell about ourselves, a sort of hero or heroine of stories, whose qualities might vary according to within which story the self takes place. The *social self* comprises the personal multiple qualities that an individual expresses in a social encounter. Finally, the idea of *self-concept* refers to what individuals think of themselves, their beliefs, skills, moral qualities, fears and life courses. While the embodied self is invariant under the transformations that occur in everyday life, the autobiographical self, the self-concept and especially the repertoire of social selves (targeted by PT) may and do change and sometimes in fundamental ways (Harré, 2004, p. 4). The positions which individuals create, negotiate, resist and finally adopt contribute to organizing our social selves, understood as dynamic discursive constructs. In this way PT endorses a de-essentialized notion of self, as a 'point of suture' between subject positions (Hall, 1996, p. 5). Positions, in fact, not only 'locate' people within certain 'storylines' (Andreouli, 2010, p. 14.4), but also provide people with ways of making sense of the world. As Davies and Harré (1990) remark, '[o]nce having taken up a particular position as one's own, a person inevitably sees the world from the vantage point of that position and in terms of the particular images, metaphors, storylines and concepts which are made relevant within the particular discursive practice in which they are positioned'.

A relevant issue related to the fashioning of the social self through positioning is the significance and role of the power dynamics entailed in positioning processes. PT conceptualizes power looking at who manages to 'get' the right to position and who does not, but also at the '"moral quality" associated with a set of rights and duties which delimit what can be said or done from a certain position, in a particular context and towards a particular speaker' (Andreouli, 2010, p. 14.5).

In positioning themselves and the other or in being positioned, individuals exert power by initiating, accepting or rejecting positioning acts. The production of 'valid' positions, their social support (that is, illocutionary force), the 'entitlement' to position the other and the condition for 'true' positions are all issues which prominently represent the role of power dynamics within positioning (Andreouli, 2010, p. 14.5).

Ontological, Epistemological and Theoretical Underpinnings

PT is grounded in a wide range of philosophical (Ludwig Wittgenstein and Michel Foucault), sociological (Erving Goffman) and psychological (Lev Vygotsky) concepts and theories. As already stated, the disciplinary framework within which PT emerges is Harré's ethogenic revision of social psychology. Ethogenics is an interdisciplinary approach aiming at understanding social order looking at how individuals attach significance to their actions and form their selves by linking these to the larger structure of rules and cultural resources in society (Harré and Secord, 1972).

Harré's positioning is based on the ethogenic project to identify and understand rules used by people to organize conversations and their social effects. In the ethogenic perspective, positioning is the site as much as the tool to investigate the dynamic and 'ever changing assignment of rule-governed rights and duties (inherent in storylines) among individuals or groups in social encounters' (Korobov and Bamberg, 2006, p. 257). Ethogenics might be considered akin to the more recent discursive turn in psychology, both at theoretical and methodological level (Potter and Wetherell, 1987), as criticism against both the individually orientated behaviouristic psychology and psychodynamic analysis.

Besides ethogenics, as already mentioned, it is possible to identify at least four main thinkers, whose works ontologically, epistemologically and theoretically ground PT: Goffman, Wittgenstein, Foucault and Vygotsky. Goffman's interest in the conversational construction and maintenance of social order led him to develop two analytical concepts very close to positioning: 'frame' and 'footing' (Goffman, 1974, 1981). A frame is a 'scheme of interpretation' that allows individuals or groups 'to locate, perceive, identify, and label' events and occurrences, thus rendering meaning, organizing experiences and guiding actions (Goffman, 1974, p. 21). The concept of footing entails 'the alignment we take up to ourselves and the others present as expressed in the way we manage the production or reception of an utterance' (Goffman, 1981, p. 128). Through the concepts of frame and footing, the notions of speaker and hearer appear as disarticulated into a set of positions or differentiated parts (Marinova, 2004). Both Goffman's analysis and Harré's positioning might be considered close to what Karin Knorr-Cetina (1983) called 'micro-sociological mode(s) for social explanation'. In both cases, in fact, the focus is placed on the pragmatic and performative role that language plays in the production of social reality, re-elaborating the relationship between the individual and the structure, considering the individual as an active hermeneutic

being, with agency and engaged in the destruction, reproduction and creation of social order (Tirado and Galvez, 2007).

Looking specifically at the concept of language assumed by PT, different elements can be highlighted. As Davies and Harré (1990) state, 'the view of language in which positioning is to be understood is the immanentist i.e. language exists only as concrete occasions of language in use'. This perspective seems grounded in Wittgenstein's (1958) notion of language as sets of speech acts related and developed through and within actual interaction. Moreover, the notion of positioning triangle is very similar to Wittgenstein's well-known concept of 'language games' (1958, §7). In this perspective, participants in conversation are participating in a kind of game – that is, patterns of language influenced, shaped, defined by and negotiated within the social realm (Ghosten, 2012). Davies and Harré (1990) also emphasize that 'the recognition of the force of "discursive practices", the ways in which people are "positioned" through those practices and the way in which the individual's "subjectivity" is generated through the learning and use of certain discursive practices are commensurate with the "new psycho-socio-linguistics"'.

This idea of language as discursive practice is close to Foucault's view that language is critically important to constructing subjectivity, and social reality at all (Foucault, 1972). Foucault deconstructs the universal and rationalistic 'knowing subject' at the core of the Enlightenment, arguing that situated discursive practices provide subject's positions and that the actions of speaking and acting are necessarily bound to historical discursive practices (Foucault, 1972). In this sense Foucault rethinks the subject's formation as embedded in societal reservoirs of discourses, clearly inspiring PT's claims.

Finally, PT draws upon Vygotsky's view of the individual in 'an ocean of language' (2004) and the idea that certain linguistic and manipulative skills are needed to make sense of cognitive processes and experiences (van Langenhove and Harré, 1999). According to Vygotsky all higher order mental processes exist twice: in the relevant group, influenced by culture and history, and then in the mind of the individual. As Harré (2004) states, in Vygotsky 'the development of a human being is dependent as much on interpersonal relations as it is on individual maturation. The appropriation of public-social practices as personal-individual skills comes about by a kind of psychological symbiosis' (p. 2). This two-dimensional understanding of human development informs Harré's idea of positioning, insofar as the social and the individual development are considered two sides of the same process.

Enriching Positioning

When we try to cast an overall glance over positioning dynamics as described by Harré and colleagues, two main and interlinked issues emerge as recurrent challenges: the agency of subject of and to positioning; the relationships between societal discourses and conversational process.

In the current discussions on positioning and agency, Harré's PT is usually considered as endorsing a 'traditional view' insofar as it explains positions as grounded in societal discourses or master narratives which offer the social locations where subjects are positioned (Bamberg, 2005). In this perspective, subjects maintain a partially agentive status due to the fact that at the same time more, competing and contradictory societal repertoires of positions are available, and that in a same repertoire there might be tensions or incompatibility among different positions. The subject's agency is then related to the fact that in conversations subjects are "forced" to choose among societal discourses and positions. Moreover, the same unforeseeable conversational dynamics might lead participants to negotiate or reshape available positions. As Michael Bamberg (2005) remarks, a different understanding of positioning might be based on Judith Butler's idea of performativity (1990). In this perspective, positioning entails a more agentive subject, because discursive 'repertoires are not always and already given but rather are constructed in a more bottom-up and performative fashion and they can generate counter-narratives' (Bamberg, 2005).

The second issue is related to how we can actually conceptualize the relationship between the macro dimension of societal repertoires of positions and the micro dynamics of conversational positioning. Here the 'choice' has been usually considered between an ethnomethodological bottom-up perspective (from conversations to societal discourses) and a post-structuralist/Foucauldian view (from societal discourses to conversation).

In order to settle these challenges, following Margaret Wetherell (1998), it is possible to argue for a partial synthesis of these different understandings of positioning. This means to integrate performativity in Harré's account and to consider both the bottom-up and top-down approaches, taking into account the possible methodological and conceptual challenges entailed by these combinations. Within this 'synthetic' perspective, the (social) self is discursively produced in conversations anchored in societal discourses which make available a range of positions (Wetherell, 1998). Looking at this process from the perspective of individuals, two different but interwoven phases can be considered. The first stage (*subjection*) results from the ways in which societal discourses 'interpellate' (or define) us, while the second (*self-constitution*) refers to the individual's performative realization of the self (Foucault, 2002) through actual positioning in conversation. People's selves are 'the point of suture' (Hall, 1996, p. 5) between the fluid 'products' of subjection and subjectivation; they result in part assigned and in part actively constructed, contested and negotiated by speakers, through micro-social (bottom-up) practices of self-making inextricably linked to wider (top-down) discursive contexts. A clarification regarding the concept of 'discourse' I use might be useful. Discourse here (following Wetherell) equates with the concept of discursive practice as elaborated by Ernesto Laclau and Chantal Mouffe (1985). Laclau and Mouffe associate discourse with the general social/human meaning-making processes, including both linguistic and non-linguistic elements. In other words, they conceive of the social space as entirely

discursive, an open and continuous space of human activity of making meanings. If meanings so produced are never totally fixed but always open to negotiation, it is also possible to obtain some 'discursive articulation' or 'nodal points' – that is, more stable configurations of meanings, more hegemonic and pervasive in a given time/place (that is, authoritative societal discourses).

To sum up, in this view, the idea(s) one 'has' (or better, *does*) of herself/himself is formed by the combination of fluid subject positions made available by hegemonic societal discourses, and enacted, negotiated or rejected at conversational level. 'Selves' are then configured as multiple, contradictory and provisional, temporarily fixed at the intersection of those subject positions and dependent on specific forms of positionings within various discursive contexts (Wetherell, 1998).

Positioning Theory and Restorative Justice

The manner in which a 'synthetic' PT approaches and understands human interactions could prove to be beneficial to the field of RJ theories and practices. Rationales for the application of PT to RJ are numerous. From a normative viewpoint, PT allows for a conceptualization of RJ that eschews some of the theoretical and meta-theoretical limitations that 'mainstream' analyses usually offer: first of all, the problematic relationship between RJ and 'conventional' criminal justice (CJ). From an empirical perspective, PT offers innovative tools to analyse RJ encounters, illuminating the role of meaning-making and its link to behaviours, the functioning of power dynamics, the shaping of participants' selves within RJ processes and the potential of RJ encounters to re-elaborate conflicts. On this view, what usually happens in RJ encounters is understood as relying on discursive processes, such as (re)definition of storylines, production, negotiation, rejection, adoption of positions 'through the speech acts or social forces of discursive manoeuvring' (Zelle, 2009, p. 6). In what follows I try to sketch out the possible use of a 'synthetic' version of PT, distinguishing between 'normative' and 'descriptive' uses. Normative uses entail the contribution of PT to a theoretical characterization of RJ from 'conventional' CJ. 'Descriptive' uses refer to how PT can help to develop an empirical understanding of RJ practices, informing specific ways of researching into the actual application of them. Needless to say, normative and descriptive uses are deeply interlinked, relying on each other from both a theoretical and methodological viewpoint.

Normative Uses: Distinguishing CJ and RJ

Through the lenses provided by PT, RJ and CJ appear as 'discursive fields' – that is, the stratification of societal discourses (some more hegemonic than others), with various cultural, political and social underpinnings, on why and how we

should deal with anti-social deeds[2] (Maglione, 2013, 2014). The discursive fields work as repertoires of storylines within which different positions can be created, negotiated, adopted or resisted through various speech acts. They contribute to shape identities, providing certain subject positions, making possible the establishment of specific idea(s) of 'who we are', in a given societal context (Rasmussen, 2006, p. 85). The subject positions of 'victim' and 'offender', for instance, are shaped in these dynamic fields and enacted through actual conversations, where individuals mobilize them, looking at themselves and the world through such positions.

Restorative justice

The RJ field is composed of at least three main 'authoritative' (and empirically overlapping) discursive reservoirs: encounter, reparative and transformative (Johnstone and Van Ness, 2007, p. 1). They offer, in different and sometimes contradictory ways, the 'ground' for positioning acts.

    The *encounter* discourse highlights the active participation of relevant stakeholders in order to manage the conflict that ties them together (Strang, 2003; Strang and Sherman, 2003). The restorative encounter makes possible the expression and discussion of the emotional, social, symbolic and material issues at stake, aiming at restoring the relationships among the conflict's stakeholders. The *reparative* discourse refers to an understanding of reparation and prevention of crimes and their consequences, based on the idea of repairing harm. This view discards the retributive idea to coerce the offender to endure pain proportionate to the gravity of the crime committed, emphasizing instead reparation of the crime's consequences. In the *transformative* discourse, RJ is understood as a 'worldview' which can lead us to perceive and act upon the world and ourselves in a 'restorative' way – that is, relying on peacebuilding through dialogue and agreement (Sullivan and Tifft, 2001). The premise of this view is a relational understanding of humans (Johnstone and Van Ness, 2007, p. 17), the 'natural' interconnectedness which can be hindered by destructive and anti-social behaviours.

    These three main discourses work as wide-ranging repertoires from which many storylines and positions can be mobilized, adopted or resisted with intersections, combinations and tensions. They also inform different procedures (that is, RJ encounters) composed by various speech acts. The main storylines are that of the crime as censure of communicative channels and interpersonal relationships to be reactivated (encounter); crime as damage/harm to be repaired (reparative); crime as expression of a lack of peace and constructive culture of dealing with conflict (transformative). The key needs of participants are to express and address emotion, to gain a moment of mutual understanding and convergence of interests (encounter); to 'right the wrong' (reparative); to transform themselves, their relationships and their mind-set (transformative). The main positions of 'victim', 'offender' and 'community' involve a diverse distribution of rights and duties in

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    2   This understanding of RJ and CJ is ideal-typical; it is a tool of analysis, not a phenomenon with a 'direct' empirical reference.

the different discourses. In the encounter and transformative, the different positions involve the right to speak out and the duty to hear the other, to understand and to be understood. In the reparative the 'victim' has the right to ask reparation and the 'offender' to 'offer' reparation, emotional, symbolical and material. Finally, in the transformative discourse, 'victim' and 'offender' are positions often not available, because they are considered as objectifying legal labels to be renegotiated, by questioning the asymmetry in the distribution of rights and duties to speak and act that those positions enable.

'Conventional' criminal justice

The first component of the CJ field is the *crime control* discourse (Packer, 1968, p. 158). It underscores increasing police power and criticizes legal interference in law enforcement (Siegel, 2006, p. 476), allowing for harsher and/or stricter punishments for offenders. This perspective seeks to prevent crime through a diffused control and the threat of tough punishments (Davies et al., 2009, p. 23). Another prominent discourse constituting the CJ field is *due process* (Packer, 1968, p. 165). This discourse revolves around the priority of protecting the civil rights of criminals; it advocates an individualized justice and the use of discretion, and emphasizes procedural fairness (Siegel, 2006, p. 478). The *penal welfarism* discourse (Garland, 2001, p. 34) is based on the assumption that criminals are the product of a society that has failed them. What are needed are responses to crime through programmes that empower people, counsel them and teach them to be law-abiding, self-sufficient citizens (Siegel, 2006, p. 479). In the 1970s, penal welfarism was targeted by a powerful and sustained political and theoretical critique associated with the 'justice model'. The *justice model* is a liberal discourse based on a Kantian ground. It criticizes the crime control model for the notion of deterrence and the idea of rehabilitation of offenders for its theoretical faults (Cavadino and Dignan, 2007). It justifies consistent consequences for crimes, proportionate to the seriousness of the offence, promoting the abolishment of discretionary institutions such as parole.

These discourses about understanding and reacting to behaviours assumed to be socially disturbing, through State intervention, inform many possible storylines and acts of positionings. The due process and the justice model both emphasize the role of the legal trial as institutional series of speech acts. The main storyline involves the idea of crime as an offence against the State committed by a free will actor to be retributively punished after a fair process. The crime control discourse and the penal welfarism highlight the role of police and rehabilitation experts, the law enforcement and social/psychological institutions to halt crime. The storyline offered is that of crime as expression of the different criminals' constitution or nature to be alternatively considered as unalterable actor (requiring, then, control over crime more than over criminals) or conversely changeable (requiring rehabilitation). The positions offered by these discourses are many and different, with few but relevant commonalities. In terms of speakers' duties and rights, the 'offender' is characterized as an asymmetric position with respect to the other

ones entailed in any CJ storyline. 'Offender' here means to be silenced or entitled to speak only when required according to certain etero-directed scripts (that is, externally imposed), and hardly negotiable. In the crime control and rehabilitative discourses, the offender is actually 'out' of the conversation because radically other or alien, incapable of speaking any 'truth'. A (paradoxically) similar position is that of the material 'victim', also silenced but for different reasons: first of all, because replaced by the State.

Descriptive Uses

The descriptive uses of PT help to explain how these discursive fields are mobilized, from a micro-social point of view, focusing on how stakeholders and practitioner(s) in a specific restorative process, within and through conversation enact, reproduce, negotiate and resist to the positions 'embedded' within discursive fields, positioning themselves and other participants.

Any RJ practice[3] itself forms a structured model of joint interaction involving a range of specific speech acts (exchange of information and eventual apologies, settling a conflict, writing an agreement) and certain positionings dynamics informed by one or more discourses composing the RJ field (Hirvonen, 2013, p. 105). The encounter, as time and space where positioning takes place, can be viewed as consisting of few larger phases (opening statements, storytelling, discussion, drafting of eventual agreement, closing statement) which include different possible 'sub-phases' (Hirvonen, 2013, p. 105). The opening statements comprise the practitioner's and eventually participants' self-introduction as well as the presentation of the case; the storytelling includes both participants' stories; discussing the case involves both a 'confessional' speech toward the practitioner and an exchange with the other participant(s); the agreement includes negotiation and decision making about the case. Within these 'larger' phases based on RJ discourses, participants can draw upon different storylines and negotiate new positions. They can position themselves or the other; they can also question actual or previous positions. The following examples show the possible areas PT can be concretely used to describe such interactions and their benefit to the scholarship and practice of RJ.

Understanding the relationships between practitioners and parties
We can recruit PT into the study of the relationships between the RJ practitioner and stakeholders, focusing on the meanings, themes and behaviours that emerge from moment-to-moment interactions occurring in restorative encounters. Overall this topic is relevant for social psychology, considering the emphasis of this discipline on thoughts, feelings and behaviours within the social context. We can start by investigating the different discursive reservoirs and the ways parties and practitioners draw upon them, the different discursive strategies they utilize and

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3   I especially think of victim–offender mediation.

the specific positions they choose. Additionally we can focus on the various effects positioning has for the RJ encounter, including the impact on participants' selves. In order to identify the dynamics which conversationally take place, we should pay attention to how practitioners and parties present and describe themselves and others, as well as the specific structure of rights and duties entailed by the positions chosen and eventually negotiated, challenged and adopted (Jarden and Lock, 2004). A set of more specific research targets might be taken into consideration. First, we can inquiry into how parties or practitioners self-position. We should focus on whether parties refer to themselves in terms of, for instance, protagonists and antagonists, passive or active subjects (Jarden and Lock, 2004, p. 3), engaged or detached or as 'offender' and 'victim'. As for the practitioner, for instance, whether she/he explicitly or not positions herself/himself as 'expert' – and what kind of expert (on the content? on the process? both?) – and parties as 'laypeople', and eventually how parties react to such a first-order position.

At this level, it is relevant if the practitioner tries to instruct parties how to handle their emotions, on what is important in terms of restoration/restitution/ reparation, on how to engage in making excuses for actions and on self-blaming. We can also pay attention to the eventual second-order positioning enacted by parties – for example, if they try to challenge the practitioner's position as expert. The analytical focus could be further placed on the common discursive strategies and repertoires they use to enact this particular positioning act. For instance, the way the practitioner justifies her/his position (why she/he is there, what benefit the parties could receive from her/his presence and work, and so on); whether she/he describes herself/himself as drawing upon the typical third-party dispute solving's reservoir (neutrality, impartiality, confidentiality); what kind of discourse on RJ she/he effectively endorses and declares as frame of the encounter. These discursive strategies and repertoires are interesting theoretical targets with relevant practical implications. First of all, they might say something about the power dynamics within RJ encounters between parties and practitioners, and whether they are functional and in what way, to the declared restorative goals. For the practitioner, to adopt a subject position of an 'expert' entails being warranted all the rights and duties, responsibilities and entitlements usually given to or assumed by an expert (Jarden and Lock, 2004, p. 3). This means that by adopting this position the practitioner is provided with credibility, her/his accounts will be validated and various 'powers' achieved, to organize the restorative process. From this 'expert' position, the practitioner might discursively assign parties the opposite subject position of 'laypeople'. As a result, parties might result more passive, lacking knowledge and skill, emotionally 'loaded' and then involving a somewhat diminished capacity to handle the conversation autonomously. This might mean for parties fewer rights to make decisions and have input into and control over the RJ process (Jarden and Lock, 2004, p. 3), or, in other words, 'more' subjection and 'less' self-constitution. Different RJ encounters, based on slightly dissimilar discursive reservoirs, might in different ways enact those or other positions with different effects. To chart, analyse and interpret how diverse

reservoirs and positions impact on parties/practitioners' power over the process/ content of the encounter can offer some practical insights in terms of practitioners' trainings, style of work and practical techniques.

To this kind of research, from a methodological viewpoint, it can be suggested a multi-media approach using different types of talk and text from within the RJ domain (Jarden and Lock, 2004, p. 3). For instance, instructional books, demonstration videos and interviews with practising practitioners, as well as video/audio/written records to RJ encounters, all might offer the relevant data with which to build upon the positioning analysis.

Shaping the self and power relationships

A further promising area for the application of PT is the study of how restorative encounters contribute to shape the parties' social selves. PT can help to enable the researcher to investigate how the social self is presented in and formed by positions, how it orientates behaviours, affecting the encounter's outcomes and aftermath (Zelle, 2009). RJ encounters are usually described as allowing and working on demands for sense-making, reinterpretation, reframing and construction of meaning of what happened, why it happened and how to deal with what happened (Johnstone and Van Ness, 2007), all issues which might impact on participants' ideas of themselves.

If we understand RJ as a discursive field composed by many and different discursive reservoirs, some more hegemonic than others, we can easily imagine how from these can be drawn positions impacting on participants' selves. Understandably, the practitioner here plays the role of 'gatekeeper' to access and mobilize those repertoires. The practitioner, in fact, enables or hampers the elaboration of subject positions tentatively performed by participants by offering indications on the content and the form of the encounter, highlighting what is allowed and what is not, framing the encounter from the beginning by indicating goals and rules and/or providing eventual 'scripts' to follow.

The access to (subjugating) discourses which define an ontological difference between 'victim' and 'offender', endorsing legal labels, or, conversely, to reservoirs which allow for reframing the participants' legal statuses, remains tied to the precarious possibility of drawing upon repertoires at least partially 'administered' by the practitioner. Nevertheless, parties are not passive objects, but agentic participants. This is because they have access to reservoirs which have nothing to do with RJ, and actually might be in contrast with the ones made available by the practitioner during an encounter. Parties are then "forced" to choose among eventually contradictory discourses which might offer different and even incompatible positions.

Moreover, they bring to the encounter positions accumulated throughout their lives, the identities so far constituted. In the dynamic interaction between the 'external' pressure to choose positions related to the restorative process and the positions drawn upon personal reservoirs, a further shaping of the self might take place, as a two-way process. In this perspective it is possible to explore

opportunities, challenges and constraints that parties experience, what they talk about and how they act with regard to these experiences. Which positions do restorative encounters privilege and which do they silence? What kind of pressure is conversationally placed on parties and which margins and forms of resistance (as effective self-positioning) can be mobilized? Where is the place of emotion (or affect) in this process? Are there among available discourses of RJ some that are more prone to constrain and others that are more inclined to enable self-positioning? Here arises again the crucial issue of power dynamics within RJ encounters. PT helps to identify how power, as capacity to access to discursive reservoirs to self-position, manifests and is handled in discursive encounters. Power expresses itself as the capacity to impose, evade, resist or successfully negotiate such positions through discourse, as the capacity of 'telling the truth' about ourselves and the others. What are the factors which promote or hinder this form of power within restorative encounters? What are the conditions to successfully challenge a position imposed on us by other speakers? Empirical work can illustrate how social self-making, positioning and power are working together in RJ encounters, as faces of the same process, illuminating their complex interrelationships (McKenzie and Carey, 2013).

Re-storying the conflict

If we agree that RJ processes deal with conflict beneath a crime or expressed by a crime, PT can be finally useful to understand (from the scholar's side) and act upon (from the practitioner's side) the conflict dynamics within restorative encounters, focusing on the psycho-social conditions for their emergence, development and maintenance (Kure, 2010). PT offers tools to conceptualize in new ways how conflicts break out and escalate, how cooperation and agreements can be reached, and what it takes to reduce their intensity (Harré, Moghaddam and Lee, 2008). Concretely, the analysis should start from the detection of the different discursive reservoirs that parties draw upon and the positions they create, adopt and resist during a restorative encounter. Next, the analytical focus should be more precisely placed on the specific positions which 'shape' the conflict, intended as a certain distribution of rights and duties on framing reality (for example, interests, needs, resources), in the course of an episode of personal interaction. A conflict might arise because one of the parties is supporting or denying a claim to a right, demanding or rejecting the assignment of a duty or in the case of "forced" positioning of others. To study these dynamics, concentrating on which positions are accessible to participants, may help to provide guidance for practitioners seeking to implement RJ processes. Which discursive reservoirs are potentially exacerbating the conflict or re-traumatizing parties? Which reservoirs and positions can be considered more 'restorative' – that is, allowing parties to reframe their actions and relationship, 're-storying' their conflict? (Rundell, 2007). The reservoirs and positions identified can be considered in terms of their general availability, specific accessibility and effects when mobilized by parties/practitioners (Barnes, 2004, p. 12).

The availability of some positions may depend on contextual factors related to the personal and social characteristics of parties as well as on how the restorative encounter concretely unfolds, or on the different preferences of practitioners in terms of which discursive repertoire to use to justify their task or to self-position (Barnes, 2004, p. 12). The accessibility of positions can also depend on how their interests and capabilities are perceived by other parties in the encounter, and positionings may be contested or resisted on these grounds (Barnes, 2004, p. 3). We might suggest that positionings should be fluid, with parties able to 'move freely in and out of the positions' considering that the 'exclusive occupancy of any position by one individual may have in fact negative consequences' for parties (Barnes, 2004, p. 14).

A participant who is always positioned as overly 'passive' or conversely as 'agentic' may inhibit or stimulate others' positionings, accessing or granting rights and duties in the conversation which might promote or hamper 'restorative' effects. The names and descriptions of positions and patterns of participation provide a language for thinking about and discussing interactions during RJ processes. Practitioners, benefiting from PT insights, can offer a 'third' account of the discursive reservoirs and positions used, showing their momentary and ephemeral nature, challenging specific positioning acts which fuel the conflict. Eventual modifications in positioning 'can change the meanings of the actions people are performing, since beliefs about positions partly determine the illocutionary force of members' actions'; all this 'can consequently modify, sometimes drastically, the story-lines that are taken to be unfolding in an encounter' (Harré et al., 2009, p. 10). Unveiling, challenging, discussing, multiplying discursive reservoirs, positions, broader storylines and speech-acts, might work as a strategy to help parties to rethink their conflict from a different and sometimes alternative perspective.

Conclusions

PT, as social-psychological approach linguistically orientated, can offer a relevant contribution to the understanding and development of RJ, from a normative/ theoretical and descriptive/empirical viewpoint. An understanding of RJ as a discursive field where the conditions for the formation of different subject positions, storylines and speech acts are established, helps to distinguish RJ from CJ by identifying differences, common elements, overlaps and tensions between them. Normatively, RJ is nothing but a range, more or less fluid, of discourses, some of them more pervasive and hegemonic than others, which define a certain reality, making up certain objects (conflict, harm, restoration and so on).

RJ practices are nothing but conversational processes within and through which the 'content' (subject positions, storylines) of those societal discourses is reproduced and reshaped. This happens because 'restorative conversations' are provided with the capacity to produce social effects (illocutionary force), to change or create the reality and to make it available to human beings. In such

conversations between practitioners and stakeholders, it is possible to become 'victim', 'offender' or 'community', to 'restore', 'repair' and so on – that is, to adopt or performatively challenge a certain position made available by the societal discourses which 'compose' RJ (sometimes overlapping with those informing the 'conventional' CJ).

The descriptive uses of PT can help to analyse how RJ practices actually work, how they contribute to shape stakeholders' identities, how the relationships between them and RJ practitioners unfold, which power relationships take place and how to handle them. They can help to identify which positions endanger the freedom of parties, which impose limitations of ways of being and doing, which hold a transformative potential. Overall, PT offers a different 'lens' to look at what happens in RJ encounters, apart from the widespread way of researching in the field, too often concerned with the quantitative measuring of performances, taking for granted and 'essentializing' the meanings and features of RJ.

To conclude, the belief which informs the idea of using PT to approach RJ is that a discursive and psycho-socially orientated perspective can help to unveil some problematic overlaps and commonalities between RJ and 'conventional' CJ. One of the main risks I see in advocating for (or inadvertently supporting) a RJ cognate to the 'conventional' CJ, is the etero-direction of positions– that is, the imposition on parties of non-negotiable ideas of 'who they are' from professionals self-positioned as moral and technical experts. Conversely, the transformative potential of RJ could lie in its capacity to offer space and time for interpersonal repositioning (beside or against the CJ im-positions). This means it could provide an opportunity to more freely shape identities and a chance for 're-storying' the narrative of the conflict, its causes and aftermath, toward more peaceful relationships. PT could then help to devise understandings of RJ which aim at unleashing its transformative and inclusive potential, providing awareness of the limitations and risks that restorative discourses and practices might embody.

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