

FAMILY CONVERSATIONS:

INTERVENTION THROUGH

RESTORATIVE PRACTICES

IN THE PREVENTION OF

ELDER ABUSE

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Elder abuse within the community is a serious issue, which presents a unique set of obstacles to those trying to address it. In particular, both significant underreporting and a lack of awareness as to what constitutes elder abuse often frustrate attempts to address the problem in a systematic way. This report suggests an approach to alleviate some of these difficulties.

Simply put, elder abuse is anything that causes harm to an older person and his or her relationships. The abuse can be psychological, physical, financial or sexual, and need not be criminal to be classed as abuse. Elder abuse has the potential to occur wherever there is a lack of respect, understanding or equality within a relationship, whether in the family, community, care facility or workplace. This report will examine the value of applying restorative practices to intervene in situations where elder abuse is occurring, or where the potential for harm exists.

Section I outlines the principles of restorative practice, and how they are applied in schools, communities and workplaces. In Section II, I discuss the difference between restorative practice and restorative justice. Section III summarises and explores the three previous reports completed for the campaign that highlight the benefits and disadvantages of the restorative approach in addressing elder abuse. Finally, a number of practical recommendations for how restorative practices can be applied in cases of elder abuse are outlined in Section IV.

I WHAT IS RESTORATIVE PRACTICE?

Restorative practice describes a continuum of processes concerned with helping people restore and build relationships within their family, school, workplace and community (International Institute for Restorative Practices). The field emerged from the concept of restorative justice within the criminal law, within which everyone involved in and impacted by a crime (i.e. victim, offender, family members and communities) come together to repair the harm caused by the original criminal behaviour. Built upon these principles, restorative practice is currently employed by schools, workplaces and communities in response to conflict, as a means of engendering a culture of respect and a dialogue between all parties involved.

The effectiveness of restorative practice lies in the four key features of its operation, namely: (1) empowerment; (2) flexibility; (3) the creation of both a dialogue and culture of respect; and (4) an emphasis on harmful *behaviours* rather than *individuals*. These attributes mean the potential applications of restorative practices are widespread and varied in their scope. Restorative practices have been used to facilitate dialogue and repair relationships between parties after conflict, to intercede in situations where unfairness or inequality is taking place or may potentially take place, or to support and foster open communication and respect in various environments.

Restorative practice is based on the idea that effecting change and providing support for individuals and relationships is best achieved by engaging *with*, rather than acting *for* or *to* people (Wachtel & McCold 2000). The idea integral to restorative practice is people will more effectively work within the system of respect, communication and accountability if they are engaged as *active* participants in fair process. This process consists of three principles: engagement, explanation and expectation clarity (Kim & Mauborgne 2002). The individual is *engaged* through restorative practice by being directly involved in making the decisions that affect them. The *explanatory* principle ensures that everyone involved knows explicitly what decisions are made and why, and how those decisions will affect them personally. Thirdly, *expectation clarity* requires that everyone understand what is expected of them in carrying out the decisions reached through restorative processes.

Ultimately, the method engages all in decision making which will impact them, with clarity in regards to why this decision has been made, and ensures everyone involved understands the impact the decision will have on their interaction in present and the future (Wachtel & McCold 2004). Restorative practice is designed to empower people with the tools to restore and build relationships through participatory learning and decision-making (Wachtel & McCold 2004). As Nerenberg says, “because each party has part of the answer, everyone’s involvement is needed. The emphasis of the process is not on blame, retribution, or finding fault” (2008). While Nerenberg is explaining restorative justice here, the fundamental principles described above also form the basis of restorative practice. The empowerment of the individuals involved through restorative practice means they are responsible for, and have a commitment to, implementing the decisions

reached through the process.

One of the most beneficial aspects of restorative practice is its flexibility in the variety of situations it can be used to address, and the *how* it can be used. Restorative practice can take place in a multitude of ways. The Restorative Practices Continuum (IIRP) details the range of methods along a spectrum from informal to formal, including casual discussions and affective statements towards the former end, and formal conferences towards the latter. Each approach has its relative benefits; so, while formal practices may have more of a dramatic, immediate impact, informal ones are valuable for their cumulative effects (Wachtel & McCold 2004), encouraging the gradual development of a culture of respect and responsibility (Doppler 2006). Additionally, unlike traditional reconciliatory or judicial processes (see discussion on the difference between restorative justice and practice below), restorative practices can be employed to involve *all* people who may have been affected, even indirectly, not just those immediately concerned.

Macready, in an article addressing the benefits of adopting restorative practice in schools, describes the concept as working in two ways: reactive practice and proactive practice (2009: 212). These two processes can work in tandem, with reactive processes resulting in the formation of proactive methods to avoid later conflict, such as an awareness of the impact of actions on others, an improvement in the relationships between parties concerned, and an established toolset for employing restorative practice methods in the future. One of the benefits of employing restorative practice lies in using it proactively: not to address an existing conflict, but to build upon relationships, encourage communication to avoid and more effectively handle problems, avoid feelings of denial and defensiveness, and to increase happiness and productivity (Wachtel & McCold 2004). In fact, only using restorative processes to address harmful behaviour that has already taken place reduces the effectiveness of its potential to effect a wider culture change (Blood & Thorsborne, 2005). Wachtel and McCold caution against considering restorative practice as an entirely reactionary process. Restorative practices can be used to establish a dialogue of respect to facilitate harmonious, constructive relationships, or a dialogue of reconciliation (in addition to respect) after conflict has taken place. Through encouraging individuals to bear responsibility for their own actions and the subsequent consequences, restorative practices minimise defensiveness and denial.

These elements of restorative process (establishment of a dialogue/culture) encourage an ownership of behaviour, action and consequence. This ownership empowers the individual with the capacity to make choices- to both avoid previous harmful behaviours, and to actively cultivate enriching and productive relationships in the work, study, community and family spheres. The benefit of using restorative practice dealing with conflict, mistreatment and abuse is the separation of the negative action and the perpetrator. While the process identifies the action and how it has impacted parties involved, it avoids alienating, effectively saying, “you are part of our community, we value you, but your behaviour in this instance is not okay” (Blood in Wellbeing Australia 2009). Additionally, this concept allows (and actively encourages) the reintegration of offenders into the community. The individual is not stigmatised, but rather their *actions* are identified as harmful.

A How Is Restorative Practice Used in Schools?

Restorative practices have been increasingly employed in many schools across Australia and the world. In particular, they have been utilised to address bullying and unproductive behaviour, to foster caring, constructive learning environments, and to build and enhance relationships between students, teachers, parents and communities. According to Doppler, the adoption of restorative practices in schools can lead to ‘a change in practice at a whole school, teacher, student and even district, societal and global level’ (2005: 13). This echoes the benefits espoused by many advocates for restorative practices; namely, that everyday implementation of restorative processes can give rise to positive ramifications within different environments and social interactions.

A common element in the use of restorative practice in schools is the concept of the ‘circle’ in creating a culture of equality and building a dialogue for learning, friendship and respect. The Co-Intelligence Institute (2003) describes how the application of the ‘circle’ is flexible. It can vary in the type of dialogue it facilitates (open or highly structured, individual or group) and whether it is employed to address specific conflict, or simply to engender an environment conducive to learning. No matter how it is employed, the key principle of the circle is that it encourages equal communication, valuing everyone and their contributions (and thus eliminating any power imbalances), and giving eve-

ryone a voice through fair process. This process allows honesty within the circle, ensuring trust and support for everyone.

The success of the application of restorative practice in schools, and the relevance of these processes to an examination of the value of restorative practice within the context of elder abuse, is evident in the specific models of the Circle of Courage and Circle Speak. Both these models are based on the core restorative concepts of empowerment, repair of harm and the creation of a dialogue and culture of respect, but the flexibility of a restorative approach is apparent in their different methods and applications.

1 *Circle of Courage*

The Circle of Courage is a restorative practice method used globally through schools and youth organisations. In South Africa it is currently part of the transformation of Child and Youth Care sectors (Roberts, 2000 for EDUCO Africa). It is specifically geared toward young people with emotional and behavioural disorders, but operates inclusively of all willing participants and communities. The Circle of Courage recognises that the formation of self-worth is dependent on external factors as well as internal ones. The philosophy behind the concept emphasises the development of the child as being integral to their community (Roberts 2000). This can be understood most simply in terms of a feedback cycle: the community fosters the individual, who in turn contributes to the community.

The circle of courage is comprised of four equal segments: generosity, independence, achievement/mastery and belonging (Brendtro, Brokenleg & Van Bockern 2005: 131). These four components can be ordered, and the ideas underpinning the steps and order are common amongst restorative practices. The steps are explained by Brendtro, Brokenleg & Van Bockern (2005: 132) in the following terms:

1. *Belonging* refers to the process of identifying and relating to others. It involves acknowledging the feelings and experiences of individuals, and generates opportunities to establish or restore connections with others.
2. *Mastery* refers to empowerment and self-esteem through the ability to learn and accomplish tasks, that is to say, realisation of the ability to meet goals and solve problems.

3. *Independence* relates to the sense of self and ability through achievement, and allows individual to set and attain goals. Through exercising independence, the individual realises responsibility and self-control.
4. *Generosity* – entails showing others respect and concern. This includes sharing the knowledge and ability gained through above steps with others, and may perhaps result in offering guidance and education for people experiencing the same issues (altruism).

Applied in practice, these foundations of ‘wholeness’ may be contextualised for youths through bushwalks guided by community elders, discussion of indigenous practice and belief, lessons on traditional medicine and activities, and open discussion between the elders, youths and each other. Garfat and Van Bockern use families as an example to illustrate how the Circle of Courage philosophy is relevant beyond the individual youth, and is necessary for both a healthy family unit and through this, a generous, happy community (2010: 39).

2 *Circle Speak*

Circle Speak is a restorative concept founded in 2000 by Peta Blood. The Circle Speak program offers training and support in utilising restorative processes in schools, workplaces, and communities. The model encourages all members in the community to be responsible for maintaining a ‘fair and just’ standard (Circle Speak, About Us, 2011). It has four main aspects, which echo the principles of restorative practices – ownership of actions, understanding and recognition of the impact of behaviour on others, viewing problems as opportunities for learning and growth, appreciation of interaction with others as essential to individual and community learning and productivity. The philosophy of the circle is applied here in a similar way to the Circle of Courage, with an emphasis on equality, capacity building and creating a dialogue of respect. The value of the circle lies in ‘widening the circle of care around participants’ (Blood & Thorsborne, 2005: 11), where it can be applied not only to address specific conflict or issues, but to facilitate continuous support and ongoing dialogue between participants. This is achieved through a range of services designed to embed restorative principles within the culture of schools,

organisations and the community (Circle Speak, What We Do, 2011). In practice, these services can include consultancy, workshops (for schools, parents and communities), community capacity building and guidance, and the training and mentoring of facilitators to conduct these processes. (Circle Speak, 2011). The ultimate aims of Circle Speak are to challenge and inspire individuals to become active, contributing members of their classroom, workplace, family or community.

B How Is Restorative Practice Used in the Community?

As in both schools and the workplace, restorative practice within the community has the potential to produce a shift in the attitudes and behaviours of its members. Its use in this context represents ‘an emerging field of study that enables people to restore and build community in an increasingly disconnected world’ (International Institute for Restorative Practices, adapted from Wachtel & McCold, 2004). Restorative practice seeks not only to empower the members of a community, but also to empower the community itself. It achieves this by providing the community with the tools and knowledge to address conflict and support the relationships of members, both with each other and with the community as a whole. This echoes the goal of ‘capacity building’ mentioned in the discussion of restorative practices in schools.

Restorative processes in the community are often discussed and implemented within the context of restorative justice. However, as community justice gains recognition as a viable preventative and rehabilitative tool, further applications of restorative principles are being developed. Practical applications of restorative processes and principles in the community may occur in a few ways, such as restorative justice proceedings, community mediation, indigenous community justice and cultural restoration.

One of the most visible ways restorative practice is employed in a community setting is through the use of restorative justice. This occurs through community support and rehabilitation of offenders and victims, particularly in cases of property crime (Pranis, 1997: 1). This process is most often utilised in juvenile offender cases where reintegration into the community and repairing of relationships therein is essential to the wellbeing of the offender, his or her family, and others in the broader community. This application of restorative practice recognises that crime does not only impact the relationship be-

tween offender and victim, but also the affected parties' relationships with the community. According to Pranis, 'both victims and offenders have a need to reconnect to the community in the wake of a crime. Community connections can assist in community re-integration for both' (1997: 4).

Restorative practice can be deployed through the creation of a community dialogue to resolve contentious issues and outright conflict. Nominated parties within the community act as facilitators of discussion, providing a neutral setting for both parties to meet and communicate. This dialogue is established and legitimised through mediation and conferences, and used to address the deterioration of communication or disputes between community members, such as disagreements between neighbours. The success of community mediation and community development in Scotland over the last 30 years is an example of the way restorative practices serve to not only resolve conflict, but to create a culture of respect that deals with conflict effectively, or even avoids it altogether. McDonough describes how community mediation in Scotland results in over 3,000 community disputes successfully solved by the community itself each year (2006: 16). After years of employing restorative practices to address conflict between neighbours, the community mediation services there are focusing on extending mediation to establish dialogue and reconciliation between whole communities, and large organisations (2006: 16-17). According to McDonough, the goal of facilitators is now to attempt to address some of the underlying causes of neighbour disputes- poverty, social and economic disadvantage, and the disenfranchisement arising from these concerns (2006: 17). These issues will be addressed by more comprehensive, community-wide efforts to increase awareness of the availability and benefits of mediation, and the social support that results from successful use of restorative practices. Community restorative practice aims to rehabilitate relationships and facilitate dialogue, and this is achieved by increasing connectedness between community members (Pranis, 1997: 4).

Restorative practices have also been used within indigenous communities, in both judicial and cultural capacities, through community justice and cultural restoration. Community justice involves empowering indigenous communities to deliver justice through traditional tribal systems, which closely resemble a modern understanding of restorative philosophy. This system complements – or is used in place of – criminal justice proc-

esses. Contemporary community justice systems are in fact modelled on tribal justice systems (Pollock 2011: 69-70).^{*} Through the use of community justice in Aboriginal communities, the offenders, victims and community members determine the outcome of proceedings, rather than a government body acting *for* the group. This type of community justice recognises the legitimacy and merit of traditional tribal laws and beliefs, empowering both individuals and the entire community.

The role of restorative practices in cultural restoration involves older members of indigenous communities establishing a dialogue with younger members. This dialogue comprises education as to the history, beliefs and traditional practices of the community, empowering individuals with knowledge, encouraging respect, and strengthening relationships. The Circle of Courage model discussed in the practical application of restorative practices in schools is an example of this concept in practice. Cultural restorative practices may also be employed with ‘at risk’ youth, such as those with behavioural problems at school, or those who have been convicted of crimes. The intention of community cultural restorative practices in this context is to not only provide support for the individual and their role as a contributing member of their community (belonging), but to emphasise their worth as an individual and restore self-respect.

Paul Chantrill (1999) identifies both community justice and cultural restoration as being essential to dismantling the culture of recidivism and crime, a major issue for Aboriginal Australians (particularly young men). According to Chantrill, there has already been a promising change in remote Aboriginal communities where traditional restorative practices have been employed to deal with conflict resolution, crime prevention and support and management of offenders.

C How Is Restorative Practice Used in the Workplace?

Restorative practice in the workplace focuses on team building and equality in the distribution of accountability and initiative. To build a culture of respect, workers are encouraged to interact with each other as members equally invested in and contributing to a harmonious workplace community. In order to create a flourishing, mutually respectful

^{*} Pollock also describes ‘family conferencing’ as emerging from Maori tribal traditions and ‘circle sentencing’, adopted from Navajo practices (2011: 69-70).

workplace, restorative practices may be employed through management models, such as ‘horizontal management’, and through restorative approaches to conflict resolution.

Horizontal or ‘flat’ management is a workplace organisational structure intended to facilitate a productive work environment through the restorative foundations of flexibility and respect (Street, 2008: 1). Street describes horizontal management as the distribution of managerial tasks to a team, rather than individuals, who are then responsible for the completion of tasks and overseeing interactions between workers in the workplace. Hodson (1999: 463) explains how restorative practice in the workplace operates within the idea of horizontal and vertical harmony through ‘citizenship’. The horizontal harmony he describes exists between workers interacting with each other. Vertical harmony is sustained through the organisational structure of the company, with productive, respectful relationships fostered at each level, from higher echelons such as owners and managers, through to ground-level employees (1999: 463).

Flat management structures allow each person to approach a task or another worker independently of any hierarchical structure of ability or position (Hodson, 1993: 463-464). This also means that anyone should feel confident to offer constructive criticism, without fear of retribution. Such structures promote flexibility, through increased responsibility for every team member. This style of workplace interaction means individuals can expect constant, unconditional support from their colleagues, but must provide the same in return. Ideally, through the use of horizontal management structures, everyone in the workplace works as a team in response to internal and external stress, conflict and demands. The input and abilities of all employees are considered to be of value to the workplace as a whole; members operate as a team while respecting and acknowledging the skills and accomplishments of the individual.

The International Institute for Restorative Practice encourages workplaces to complete workshops that educate employers and employees on ways to implement restorative practices. The emphasis is on restorative practice as both a conflict resolution tool, and a culture to adopt in the everyday running of a practice (echoed in Doppler’s 2006 article on restorative practice in schools). The workshops emphasise restorative practice as a way of developing a dialogue to facilitate respectful, productive interactions between individuals. These practices are designed to complement management structures and systems of

addressing grievances already in place; they are intended to enrich, rather than replace, the interactions that already exist in the workplace. Ideally, the effects of the use of restorative processes in the workplace extend to the families and communities of employees: restorative practices are ‘contagious’, and encourage those involved to apply the principle to other aspects of their daily life (Strang & Braithwaite, 2000: 127).

II HOW DOES RESTORATIVE PRACTICE DIFFER FROM RESTORATIVE JUSTICE?

Restorative justice comprises a structured, community-based response to the original wrongdoing, holding the offender responsible for the consequences of the crime (Justice and Community Safety, 2010). Restorative practice and restorative justice have many principles in common; as both have evolved from the same philosophies on mutual- and self-respect, conflict resolution and repair (of harm, and relationships damaged by harm) through empowerment. In fact, restorative practice as we define it today has grown from the rapidly expanding field of restorative justice (the International Institution for Restorative Practices emerging from the ‘Real Justice’ program – Wachtel & McCold 2004).

The Victorian Association for Restorative Justice (VARJ) describes the emergence of restorative practice from the processes of restorative justice as ‘the *language* of one social movement (restorative justice) has incorporated the *processes* of several other social movements (formation of restorative practice)’ (2005). Additionally, VARJ explains that the use of the term ‘restorative practice’ reflects the deployment of principles and processes consistent with the restorative ethic across a growing range of contexts outside the traditional bounds of ‘justice’, such as schools, workplaces and communities (2007).

Both restorative practice and restorative justice hold that those best equipped to resolve a conflict are those directly involved (Transforming Conflict, Restorative Approaches and Practices). VARJ describes both restorative practice and justice as ‘restorative’ (of respect, relationships and communication), rather than ‘retributive’ (punishment, shame for wrongdoing, assigning blame). However, one of the main differences between restorative justice and practice is that restorative justice is a process implemented *after* an

event or conflict has taken place. It is a practice employed by criminal courts, schools and communities to repair harm, open dialogue and to empower those involved in the conflict with the power to resolve it. Restorative justice aims to provide people with the answer to three key questions – *what* has happened? *how* were people affected? *what* needs to be done to make things better? (Victorian Association of Restorative Justice, 2010) By contrast, restorative practice, in addition to acting reactively, can also act preventatively, or to enhance an already harmonious environment.

By broadening the definition of ‘restorative practice’ to move beyond restorative justice practices, its potential applications are increased (European Forum for Restorative Justice minutes, 2009). Restorative programs can be employed by schools, workplaces and families to foster a culture of respect, open dialogue, empowerment and participation. Restorative justice is more concerned with resolving conflict – it can be considered ‘reactive’ rather than ‘proactive’. Observed use of restorative process in schools indicates that while relying solely on restorative justice techniques is effective in conflict resolution, it does not engender a broader change in the culture of a facility. It is only when restorative practices are adopted that school wide changes in behaviour and productiveness may be observed (VARJ 2007). Doppler (2006) explains how the use of restorative practice in schools, in both a reactive and proactive capacity, leads to a culture of accountability and respect. This is explained by Doppler as a ‘change via paradigm shift’, wherein change in behaviours occurs first within individuals, then classrooms, then the school, then potentially the wider community (2006:13). Martin Wright (EFRJ Minutes 2009) explains this shift in terms of the early philosophies of restorative justice (prevention, conflict resolution and a reduction of the causes of conflict) informing the later principles of restorative practice and the progress towards a restorative society (an emphasis on relationships, restoration through mediation, conferencing, circles, etc., and learning and growth through reforming the traditional structures of communication in families, schools, workplaces and communities).

Ultimately, restorative practice should be understood as putting philosophies *into* practice, while restorative justice should be considered one aspect of the restorative practice paradigm. The success of both concepts should result in restorative techniques and philosophy working towards a restorative society.

III RESTORATIVE PRACTICE AND ELDER ABUSE

Restorative practices should be considered a valuable preventative measure and resolution tool in cases of elder abuse. The flexibility of the approach in both its methods and who it can involve, the culture of respect (between victims, offenders, families and the community) produced by the use of restorative practices, and the potential for the application of restorative practices to address significant underreporting of elder abuse, make it particularly effective in this context.

These components of restorative practice have the potential to encourage older victims suffering psychological, physical, sexual or financial harm to report the abuse. Previous reports for the Respect for Seniors Campaign have examined the nature of elder abuse, feelings of shame in both victim and perpetrators, and the appropriateness of a restorative response. The shame affect is explored within the experience of the perpetrator in Sub-section A ‘Perpetrators of Elder Abuse: The Role of Shame and the Appropriateness of a Restorative Approach’ (Barisic, 2010), who also assesses whether a restorative approach is appropriate in cases of domestic elder abuse.

‘Shame and the Elder Abuse Victim: Shame and Relationships and Barriers to Reporting’ (Sub-section B, Hewson 2010) explores how victim shame may prevent cases of abuse being reported. Hewson also explores the difference between ‘toxic shame’ and ‘healthy shame’, concepts that must be thoroughly understood if a restorative approach is to be applied to an abusive relationship.

Carter’s report ‘Family Conversations: A Study of the Feasibility of Restorative Justice Models in the Resolution of Elder Abuse Cases’ (2010), is a study of the benefits and limitations of utilising restorative methods to resolve elder abuse cases.

Hewson and Carter have outlined some of the reasons why elder abuse is a significantly underreported crime. The person may fear damaging the relationship with the person who is abusing them, they may feel ashamed that someone they trust has mistreated them or feel they are to blame for the abuse, or they may have little faith in the capability of the criminal justice system to address past abuses, and prevent future ones (Groh,

2003: 1). As restorative practices aim to rehabilitate relationships and establish a dialogue of respect, while minimising (and preventing) harm, victims suffering abuse (or who are concerned about actions which are not yet abusive) could potentially be more likely to report and engage support for their situation.

A Perpetrators of Elder Abuse: The Role of Shame and the Appropriateness of a Restorative Approach

KRISTINA BARISIC

In this report, Barisic (2010), explores the role of perpetrator's shame in cases of elder abuse, and whether a restorative approach is a valid method of interrupting the cycle of physical, psychological, financial or sexual violence (WHO/INEPA, 2002, in Barisic, 2010). Barisic analyses the components of shame as an emotion: toxic shame, and healthy shame. The report also evaluates the role of both aspects of shame in cases of abuse and the restorative process.

While there has been a fair amount of research conducted to determine whether restorative practices are an appropriate resolution tool in cases of domestic violence, Barisic explains that there has been little research in the area of applying restorative practices in cases of elder abuse (2010: 2). Because elder abuse is most often carried out by family members, or people providing care for the older person, the power imbalance typical of domestic violence cases is most likely present. Similarly to the report by Carter (2010), this report also explores the benefits and disadvantages of applying restorative justice or practices to incidents of domestic violence.

The purpose of the report is to examine how the shame affect impacts the perpetrator, and how it may be employed to avoid further abuse. Shame has a variety of functions and effects in the action and resolution of elder abuse. Employing Tomkins' model of the Nine Affects (1962), Barisic explains how the shame/humiliation emotion is triggered when a positive affect is obstructed. This means that an individual can feel shame regardless of whether they have carried out harmful behaviour (which is why victims, in addition to perpetrators, experience shame) (2010: 4). Shame can be either toxic, that is, harmful and cyclical, or healthy, prompting individuals to recognise their limitations and seek help (Barisic, 2010: 5-6).

The goal of restorative practice in cases of elder abuse is to mitigate toxic shame and utilise healthy shame. Typically, individuals deal with toxic shame by neglecting or ignoring its source, or attacking others. Through attacking others (generally the victim of abuse), violence is proliferated (Nathanson, 1992, in Barisic, 2010: 5). Traditional justice methods seek to interrupt the abuse cycle by condemning the individual, rather than the restorative practice action of condemning the actions of the offender. Braithwaite conceptualises this difference as *stigmatic* shaming (current criminal justice procedures) and *reintegrative* shaming (restorative process using shame to rehabilitate) (1989, in Barisic, 2010: 7).

The value of applying a restorative approach in cases of elder abuse is that the restorative process acknowledges that when a crime takes place it is not only the individual who is harmed, but relationships as well (Wachtel & McCold, 2004, in Barisic, 2010: 3). Restorative practice works in ways that minimise the intrusiveness of external parties, emphasising restoration of relationships and repairing harm. This rehabilitative action, however, is the primary concern when applying a restorative approach to cases of domestic violence. The relationship and imbalance of power between victim and abuser, subsequent abuse, and the shame that results is the product of a continuous cycle rather than a discrete event (Coker, 2002 and Stubbs, 2004 in Barisic, 2010). A simple restorative approach may not effectively disrupt this cycle and prevent the continuation of abuse. Barisic suggests Braithwaite's (1989) model of reintegrative shaming may be used to more effectively address elder abuse through restorative process (2010: 9). Reintegrative shaming should be understood as an ultimately restorative process: it condemns the harmful action while reaffirming the worth of both the perpetrator and victim of abuse (Barisic, 2010: 9). In this model, shame is utilised to assist in the recognition of negative behaviour, and prevent the reoccurrence of abuse and subsequent toxic shame effects.

The strongest caution Barisic gives in applying a restorative approach to addressing cases of elder abuse is the need for the process employed to emphasise rehabilitation, restoration and reparation rather than forgiveness or apology (2010: 9). In circumstances where a power imbalance exists in a relationship, an apology may be used tactically by the abuser to simply exert more control over the victim, rather than address any harm that has taken place (Walker, 1979 and Stubbs, 2004, in Barisic, 2010: 9). In such situations,

weight must be placed upon ongoing, observable actions, rather than words.

The primary conclusion of the report is that a restorative approach can be appropriate in cases of elder abuse through the utilisation of healthy and reintegrative shame. However, in cases of domestic abuse, extensive preparatory work must be undertaken with each individual involved before conferencing takes place, to avoid perpetuating the power imbalances of the relationship. With careful consideration, a restorative approach has strong potential to assist in repairing the damaged relationship between victim and abuser, and ideally reduces the reoccurrence of abuse (Barisic, 2010: 10).

B Shame and the Elder Abuse Victim: Shame and Relationships and Barriers to Reporting

JOANNA HEWSON

Hewson's (2010) report also explores the role of shame in elder abuse. However, unlike Barisic's report, which primarily focused on perpetrator shame and the applicability of restorative practices to domestic violence, Hewson's report examines the creation and role of victim shame in situations of power imbalance and domestic violence, and how this may be a factor in the underreporting of abuse.

Hewson argues that an abuse victim's feeling of shame is one of the most common psychological effects of the domestic abuse cycle (2010: 2). In a discussion of emotional effects arising from abuse situations, shame must be distinguished from guilt: while guilt is focused on others, shame focuses on the self. By encouraging a focus on others, guilt is more likely to result in better perspective-taking and a higher likelihood of acknowledging harmful behaviour (Yang, Yang and Chiou in Hewson, 2010: 3). Additionally, individuals experiencing shame will be less likely to understand the perspectives of others, have damaged self-confidence, and withdraw from social interactions.

Victim shame is experienced through feelings such as helplessness, alienation, humiliation, fear, anxiety, indignity, and post-traumatic stress syndrome (Hewson, 2010: 2). Shame manifests in victims for a variety of reasons. Abuse violates a person's autonomy: this is particularly true of situations in which an individual is dependent on someone for care; in such cases, victims may feel powerless to advocate for their own welfare (Hewson, 2010: 3). This violation of self may also extend to a loss of self-integrity, dig-

nity, and overall helplessness to address the physical, psychological, financial or sexual abuse that is taking place (Frazier, 2000, in Hewson, 2010: 3). Additionally, the shame felt by a victim may be a result of the perpetrator's shame over the abuse. The projections of the abuser may lead victims to feel like they are to blame, to doubt they are deserving of respect, or even validate the abusive actions, particularly if the perpetrator is a family member or caregiver (Hewson, 2010: 3-4). This concept is described by Kalm and Bond (2009, in Hewson, 2010: 4) as the 'looking-glass effect', in which an individual evaluates their worth through the eyes of others.

An evaluation of the role of shame in situations of domestic violence is particularly pertinent in cases of elder abuse. The experience of victim shame in abusive situations can occur in any situation, regardless of the form of abuse (whether physical, sexual, financial or psychological). For instance, as a result of physical or sexual abuse, the shame of the victim is not only an emotional and cognitive experience, but also a physical one (2010: 4). As shame often results in self-doubt, the victim may understand or remember the trauma in a way that leads them to believe they are to blame for the abuse. Hewson also describes how financial abuse (a highly prevalent form of elder abuse) is heavily underreported because of the shame of the victim which can take the form of fear of abandonment, retribution, and not being believed (2010: 4-5). In cases where the perpetrator of abuse is a victim's family member, there may be an associated sense of shame in being treated with disrespect by a close relation (Elder Abuse Prevention Unit, 2006, in Hewson, 2010). This aspect of shame as a barrier to reporting abuse holds particularly true in cases of female victims suffering abuse by their children (Ellison, et. al. 2004, in Hewson, 2010). These examples of the ways in which victim shame manifests illustrate the need for a nuanced, comprehensive restorative approach to elder abuse, one that is flexible in both its application and outcomes.

To fully understand the role of victim shame in cases of elder abuse, and how restorative practices may be appropriately applied to these situations, the distinction between healthy shame and toxic shame must be made. Barisic (2010), in a report on the role of perpetrator shame in cases of elder abuse, establishes what these essential differences are, and why they must be considered in assessing the appropriateness of applying restorative processes to abusive situations. Hewson elaborates on this distinction between healthy

and toxic shame by discussing how toxic shame is internalised, and eventually stops functioning as an emotion experienced by the victim, instead becoming a personal characteristic (2010: 5). According to Bradshaw (1988, in Hewson, 2010), toxic shame binds the negative effects of shame to the victim's identity, and is therefore responsible for the significant underreporting of abuse cases; the victim 'does not report it in order to avoid exposing his or her inner self' (Hewson, 2010: 5). It is necessary to not only address abuse through restorative processes, but also to address and attempt to moderate the shame of the victim.

Hewson recommends a restorative approach to abuse as an effective way to acknowledge the shame of both parties in a respectful manner, particularly when families are involved (2010: 9). Restorative practice should be considered in cases of elder abuse to help encourage the reporting of abuse, rehabilitate the damaged relationship between victim and offender, and to establish a dialogue and culture of respect to break abusive behaviour patterns.

C Family Conversations: A Study of the Feasibility of Restorative Justice Models in the Resolution of Elder Abuse Cases

PATRICK JAMES CARTER

Carter (2010), in the report 'Family Conversations: A Study of the Feasibility of Restorative Justice Models in the Resolution of Elder Abuse Cases', explores the advantages and limitations of applying restorative justice methods (and more broadly, restorative practices) to address cases of elder abuse. The primary benefits of a restorative approach to elder abuse are its inherent flexibility, its sensitivity to the unique causes and action of elder abuse, its potential to address underreporting of abuse, and its ability to deal with abuse situations that are not necessarily criminal (2010, 1-2, 4). Carter also examines the disadvantages, or possible issues in using restorative justice in cases of elder abuse. These include the difficulty of measuring the success of restorative justice in the long-term, the consideration that the potential scope of restorative justice in these situations may be overstated, and the problems of using a restorative approach to address domestic violence (2010, 8-9, 12).

To establish why a restorative approach is relevant to cases of elder abuse, Carter ex-

plains that each instance of elder abuse will be a different situation, involving different people, events and implications; any approach must therefore be flexible and complement established judicial procedures (2010: 1). Because traditional retributive justice does not act preventatively, effectively recognise and rehabilitate the existing relationship between offender and victim, and there is little to no follow up of cases, the needs of those involved in elder abuse cannot be recognised by current legal procedures (2010: 5). The flexibility of a restorative approach means that it can operate *instead of*, or in *addition to* matters pursued through the courts (2010: 1-2). Additionally, restorative practices can operate on an individual, familial, or community-wide level, and do not necessarily have to be conducted formally (as in a restorative justice mediation); rather, the process can be relaxed and informal (for example, involving a simple conversation, or a letter) (Wachtel & McCold, 2004, in Carter, 2010: 8). However, Carter argues that due to the emphasis restorative practices place on healing relationships, they may not be as useful in cases of criminal abuse as restorative justice, which is more structured, and can apply sanctions to direct the behaviours of the involved parties (2010: 8).

Cases of elder abuse are generally underreported, due to mental or physical disability, the relationship between the victim and abuser (in that the victim may be dependent on the offender for care, and/or the offender may be a family member), a lack of knowledge about what may be defined as abuse and the rights of the victim, social isolation, fear of reprisals, shame, and a lack of or an inability to access support services (Bagshaw, Wendt & Zannettino, 2007, in Carter, 2010: 3). Restorative approaches may potentially mitigate underreporting, by focusing on healing relationships and stigmatising harmful behaviour, rather than individuals (Carter, 2010: 8).

One of the primary concerns Carter addresses in the report is the potential problem of using a restorative approach in cases of domestic violence. Even the most considered, thorough restorative attempt may fail to address power inequalities between the victim and abuser, which may have been in place for many years (Stubbs, 2004, in Carter, 2010: 12). Dealing with domestic violence through police proceedings or in a court serves to equalise parties. In this sense, the firmly public, retributive, and formal elements of traditional justice systems may be more appropriate than the restorative emphasis on relationships. Some advocates for the use of restorative justice in cases of domestic violence

maintain that with appropriate safeguards, strictly monitored mediation and extensive follow-up, restorative models can be used for the benefit of both parties (Braithwaite & Strang, 2002, in Carter, 2010: 12).

Carter's report offers three primary recommendations for future consideration in relation to the application of restorative justice to cases of elder abuse (2010: 12-13). First, the flexibility and potential scope of a restorative approach means it may be more appropriate than criminal justice proceedings in some cases. This needs to be assessed, and does not have to be to the exclusion of traditional legal methods; the two processes can work in tandem to complement one another. The clear benefit of restorative justice over the criminal justice system is that restorative justice can also act preventatively. Second, the emphasis restorative practices place on rehabilitating relationships and building respect could potentially address the underreporting of abuse cases. Finally, Carter stresses that restorative practices should be a method integrated into any strategy developed to combat elder abuse, for all the reasons described above.

IV FAMILY CONVERSATIONS: A PROPOSAL FOR IMPLEMENTING RESTORATIVE PRACTICES IN RESPONSE TO ELDER ABUSE

The Family Conversations initiative can address the significant need identified in the community to support older people who have challenging relationships that are impacting significantly on their wellbeing, dignity and quality of life. They could be described as potential or existing cases of elder abuse and occur within relationships that are valued and trusted by the older person. Any relationship experiencing tension and disrespect has the potential to escalate to the point where an older person is at risk of elder abuse, emotionally, psychologically, financially or even physically.

One of the most challenging aspects is the reluctance of victims to seek assistance and report the abuse. Family Conversations offer an alternative which emphasises the importance of relationships and the consequences of behaviour within them.

Families would be empowered, with the assistance of a Family Conversation Specialist, to acknowledge the strengths and challenges within their relationships. Through this flexible, informal and non-judgemental process family members are offered an “olive branch” to own the consequences of their behaviour and with assistance, commit to change without the fear of repercussions and stigma. Family Conversation Specialists would be available in local communities to assist families either experiencing or at risk of abuse.

A Family Conversation encourages dialogue that values the positive aspects of the relationship and supports a process of change that replaces abuse with respect or resolves tensions that could escalate to an abusive relationship. The process involves a philosophical shift that requires inclusion of all family members who are affected by the behaviour or tensions.

The essence of the process is for all involved to take responsibility for their behaviour within their relationships and to create mutually respectful solutions. It also acknowledges that often all parties have contributed in some way to the development of an abusive relationship. Families are empowered to use this explicit process as a self sustaining solution for future relationship challenges within the family.

The range of services available through the Family Conversations Specialist would cover a continuum from a simple one on one conversation with an older person through to a full restorative conference. The diversity of services along the continuum would be tailored to the needs of each family and individual circumstances. Family Conversations would provide a community initiative, with a focus on prevention, individual responsibility and restoring relationships.

A Development of the Family Conversations Initiative

The initial phase in the development of Family Conversations would be the production of a sequel to the initial DVD ‘As Life Goes On’ demonstrating how Family Conversations could provide assistance in the first two scenarios.

The “olive branch” would be presented as a viable alternative to currently abusive relationships and would provide confidence and encouragement that the abuse can be

stopped without the loss of the relationship. It would also convey the level of confidentiality that a Family Conversation can offer. The process would be available behind closed doors without regulatory intervention.

This resource would provide access to the significant number of older people in the community who are currently suffering in silence and be a preventative tool for potential victims of elder abuse.

To provide continuity and maintain the integrity of the DVD sequel it would be directed by Andrew Williams. The concept originator, Julie Matthews, would be required as a consultant to ensure the integrity of the Family Conversations concept based in restorative practices. Funding of approximately \$30,000 would be required to produce this sequel.

B Evaluation of a Pilot

A structured, rigorous qualitative research project to scope and pilot the Family Conversations initiative would be required to provide an evidence base for the expansion of Family Conversations as a state wide initiative in the prevention of elder abuse.

The research would need to comply with government funding and contract requirements. It would be based on an academic partnership with Macquarie University which meets ethics approval. It would also involve a funded project manager supported by student placements. UnitingCare Ageing would be the industry partner combining with a specialist in restorative practices as the lead partner. Peta Blood, Circle Speak would be engaged as the lead partner because of her expertise in the field of restorative practices. The Hey Dad program might provide some guidance in scoping the research pilot. The pilot might focus initially on pastoral care staff in Uniting Church parishes and UnitingCare Ageing

C Training in the Principles and Process

People working within the health, care and community sectors need to understand restorative practices and how its use can be of benefit to families experiencing or at risk of

elder abuse. The difference between traditional justice or dispute-resolution processes and restorative practices needs to be emphasised. The philosophy of restorative practice is a logical complement to the implementation of the Home and Community Care (HACC) directive towards person-centred care. One of the most important ideas to communicate at this stage is the fundamental principle of restorative practices acting *with*, not *for* or *to* people.

The Family Conversations process could be of benefit to any staff in the aged care sector or allied professionals. The philosophy is likely to be complementary to their existing work responsibilities and enhance their capacity to handle situations of elder abuse and ageism.

Following is an indication of the roles that may be enhanced by the integration of this philosophy:

- case managers;
- social workers;
- HACC workers;
- Aged Care Assessment Team (ACAT) staff;
- aged care staff in both the community and residential sectors;
- volunteers working within aged care facilities;
- pastoral care staff in both the community and residential facilities; and
- health professionals providing services for seniors (such as a practice nurse or pharmacist)

Education, through the DVD sequel and interactive group work, would be required to raise awareness in the sector. This would help to develop an understanding and appreciation of the potential for Family Conversations as a restorative practice in the area of elder abuse prevention. The immediate benefits would be evident through the integration of the philosophy into current work practices. One key challenge for aged care staff which can be assisted by Family Conversations is the tension between duty of care and the rights of the older person. This level of awareness may also enable referrals of prospective clients to a Family Conversation Specialist.

A second level of training would enable appropriate individuals to become Family Conversation Specialists (FCS). This would provide the community with ready access to support and assistance in dealing with family conflict issues. The eligibility criteria for determining whether individuals would be suitable for the training to become a FCS could be based on the proven approach used by Juvenile Justice Conferencing, and should be established by the Restorative Practices Consultant for the pilot Peta Blood, Circle Speak.

However one vital consideration is the need for independence and a non judgemental approach. Any perceived bias by the FCS will negate the power of the process and significantly compromise its effectiveness.

D State wide Expansion of Family Conversations

The establishment of Family Conversations as a restorative program in the community needs to convey that it is a new way of addressing conflict and family tensions, through a respectful, fair process for all parties. While the Family Conversations model is particular useful for and aimed at addressing cases of elder abuse and ageism, a FCS may also benefit community members of all ages. The ability of a FCS to empower individuals from every generation and improve the quality of their relationships should make it a useful tool for all age groups in the community.

The long-term availability of FCS on a widespread basis may be achieved in a number of ways. It may need to operate in a similar fashion to Juvenile Justice Conference Convenors, who work on a contract basis by referral. Volunteers may be a suitable source of FCS to expand the community network. It could also be possible to finance the Family Conversations service through a user-paid system on a sliding scale.

The representation of FCS in the community could become similar to that of Justices of the Peace (JP): accessible and visible. The ultimate effectiveness of the implementations of FCS, and restorative practices within the community, would depend on its reputation. Like JPs, the FCS would need to develop a level of credibility grounded in trust, independence (non-bias) and non-judgement. Further credibility could be established by a confirmed track record of positive outcomes facilitated by well-trained, specialists. Word

of mouth will be a key component in the uptake of this service within the community.

E Longer Term Opportunities

The restorative practices model could be integrated into the current aged care curriculum. A restorative approach complements and reinforces the principles of person-centred care.

Restorative practices could also be implemented through workshops for grandparents. This concept, based on the last scenario featured on the DVD 'As Life Goes On' could be trialled through the pilot. This scenario provides positive role modelling of the core restorative principles in action. The grandmother shows love and respect to her grandson, while establishing boundaries for his behaviour. The intention of these workshops would be to develop frameworks and dialogues to act preventatively (and protectively) against ageism and abuse. These workshops could also assist in teaching younger generations the principles of restorative practices, and through this how a culture of respect might be developed within their own families and communities.

The existing DVD 'As Life Goes On' created for the campaign is a suitable resource for training in the human care sectors and its value as a training tool could be enhanced by a small amount of additional funding to produce and incorporate expert interviews for each of the scenarios filmed. These interviews would be based on the existing expert commentary provided in the resource kit accompanying the DVD.

The restorative practice philosophy of valuing the individual is complementary to the Life Stories component of the Towards Respect Together (TRT) program. Both principles could be effectively integrated into existing training courses to provide a practical component and a powerful mechanism to address and prevent ageism and elder abuse.

It is recommended that the Family Conversations Proposal be developed as a respectful intervention in the prevention of elder abuse.

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