

Paradoxes of Restorative Justice in the Workplace

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Abstract

Proponents of restorative justice argue that restorative practices are more effective than legalistic practices at addressing detrimental personal and relational outcomes of hurtful behavior. Following this thinking, researchers have argued that restorative justice offers the promise of constructive outcomes in the workplace as well. Yet, when adapted into workplace policies and norms, the potential exists for the use of restorative practices paradoxically to reinforce legalistic organizing structures and practices. Based on interviews with employees at an organization that codified and promoted restorative practices, this study identifies several paradoxes that can occur when engaging in restorative practices within a traditional, bureaucratic organizational structure. The article concludes with a discussion of the implications of these paradoxes for the understanding and practice of restorative justice in the workplace.

Keywords

restorative justice, organizational legalization, conflict management, organizational paradox

Restorative justice is gaining increased attention from researchers and practitioners for its emphasis on personal and relational sensitivity during situations of conflict and wrongdoing. Restorative justice is a theory of justice that

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emphasizes the restoration of individuals, relationships, and communities following behavior perceived as harmful, offensive, or problematic (Borton, 2009; Paul, 2015a; Wenzel, Okimoto, & Cameron, 2012). Restorative justice advocates argue that restorative practices are effective at facilitating healing (Braithwaite, 1999; Zehr, 2002), fostering empowerment (Armour & Umbreit, 2006; Braithwaite, 2002; Morris, 2002), and enabling growth for victims and offenders (Borton & Paul, 2015). Given its apparent effectiveness at facilitating personally and relationally sensitive conflict practices and outcomes, researchers have begun to explore the fit of restorative practices in organizational settings (Fehr & Gelfand, 2012; Kidder, 2007; Paul & Riforgiate, 2015). Workplace restorative justice research fits into a growing body of research on positive organizational scholarship (Bright, Cameron, & Caza, 2006; Cameron, 2008) that explores practices such as forgiveness (Fehr & Gelfand, 2012; Tripp, Bies, & Aquino, 2007) and reconciliation (Andiappan & Treviño, 2011). Restorative justice ideally facilitates outcomes such as relationship repair, closure, and fairness (Fehr & Gelfand, 2012).

Although the discussion surrounding restorative justice tends to focus largely on its transformative potential, researchers have cautioned that such transformation may be limited, given the legalistic context in which it occurs (Pavlich, 2005). Consistent with research on organizational contradictions and tensions (Cameron & Quinn, 1988; Lewis, 2000; Putnam, 1986), this study identifies paradoxes related to empowerment, connection, and personal sensitivity stemming from the tension created by mandating the use of restorative practices within a legalistic structure.

This study offers three contributions. First, based on interviews with teachers and administrators at a private, religious school, it identifies restorative practices used in the school, building on existing theory on restorative justice in the workplace (Kidder, 2007). Second, it contributes to research on tensions associated with restorative justice (Paul & Riforgiate, 2015; Pavlich, 2005) by identifying paradoxes resulting from the co-occurrence of legalistic and restorative features pertaining to structure, membership, and interaction. Third, it explores factors that influence the emergence of the paradoxes, highlighting implications for structure and action in the workplace. These contributions advance research, theory, and practice on workplace restorative justice and conflict management.

Restoring Justice at Work

Researchers have long noted the phenomenon of workplace legalization, which involves “the diffusion of legalistic reasoning, procedures, and structures” (Scott, 1994, p. 9). Legalization is apparent in practices such as

decision making, dispute management, and policy making (Pfeffer, 1994; Scott, 1994; Sitkin & Bies, 1993). Characteristics of legalization include the use of formalized and generalizable policies to ensure due process, an interest in obtaining legitimacy by adopting legalistic practices, and the use of legal rhetoric and terminology (Sitkin & Bies, 1993). Legalization reflects a number of underlying ideals evident in the legal system, such as position-based and policy-based authority, process standardization, objective problem solving, and rational assessment of evidence. The adoption of legalistic justice practices fits with bureaucratic features such as hierarchical structure, rational-legal authority, objective decision making, and control by policy (Ashcraft, 2000; Braithwaite, 2002; Weber, 1969).

Critiques of bureaucracy have given rise to studies of “delayed” or “postbureaucratic” workplace structures characterized by democratic decision making, team-based organizing, collaboration, and relationship sensitivity (Ashcraft, 2000, 2006; Buzzanell, 1994). This emergence reflects a concern that traditional organizing practices—including those for managing conflict—may not sufficiently address members’ connectedness and empowerment needs (Bazemore, O’Brien, & Carey, 2005). Restorative justice and its practices dovetail with this “postbureaucratic” emphasis on workplace democracy and relationship maintenance (Kidder, 2007; Ritchie & O’Connell, 2001; Stout & Salm, 2011).

Restorative justice shares roots with conflict transformation (Zehr, 2009), which focuses on “end[ing] something not desired [e.g., conflict] and build[ing] something we do desire [e.g., peace and unity]” (Lederach, 2003, p. 30). From a restorative justice perspective, harmful behavior generates conflict between the wrongdoer and the person wronged, both of whom experience degrees of material, emotional, relational, and moral injury (Wenzel et al., 2012; Zehr, 2002). Rather than focusing on punishing the wrongdoer or fostering competitive conflict practices, both of which are characteristic of legalistic justice, restorative justice promotes the pursuit of healing, growth, peace, and empowerment by helping parties work together through a face-to-face meeting to experience restoration and engage in dialogic communication (Borton & Paul, 2015; Zehr, 2009). Restorative conflict practices differ from other conflict practices such as transformative mediation, problem-solving mediation, and interest-based negotiation, in its treatment of the parties’ relationships with each other (wrongdoer and wronged vs. disputants), the issues being discussed (wrongdoing vs. conflict), and the goals being pursued (restoration vs. punishment) (Paul, 2015b; Zehr, 2002).

Two important restorative practices are dialogic communication and restoration. Dialogic communication among the wrongdoer, the wronged, and potentially other community members involves exploring past and present

behavior and experiences, along with future needs (Borton, 2009; Raye & Roberts, 2007; Umbreit, 2001; Zehr, 2002). Dialogue involves several affiliated practices, including listening, storytelling, perspective-taking, and emotion sharing (Black, 2008; Umbreit, Coates, & Vos, 2007; Zehr, 2002). Although restorative justice scholars have focused on dialogue facilitated by a neutral third party, it is not the presence of a *facilitator* that characterizes restorative justice, but rather the practice of *dialogic communication*, which can occur with or without a facilitator. Dialogic communication ideally facilitates restoration, or the renewal or reestablishment of something or someone to a better state. As noted above, restorative justice assumes that wrongdoing harms the parties in multiple ways (Wenzel et al., 2012). Dialogue and reparation ideally enable restoration along these dimensions, re-empowering all parties involved (Braithwaite, 2002; Umbreit et al., 2007), reinforcing community values (Block, 2009), promoting personal and community accountability (Armour & Umbreit, 2006), and possibly facilitating forgiveness and reconciliation (Armour & Umbreit, 2006; Braithwaite, 2002; Fehr & Gelfand, 2012).

In the workplace, restorative justice can influence more than conflict management norms and practices. It also provides the foundation for what Paul and Riforgiate (2015) call “restorative organizing,” which involves “organizing on the basis of restorative principles.” Restorative organizing, which draws on restorative principles of participation, reparation, and reintegration (Kidder, 2007), shapes the conceptualization of, management of, and desired consequences for hurtful behavior. Whereas legalistic justice frames wrongdoing as a violation of *policy*, restorative justice defines it as a violation of *people* (Zehr, 2002). Legalistic management practices include rational and objective argumentation and problem solving using evidence during formalized processes to decide culpability. Restorative justice encourages personal, direct interaction (i.e., participation) between stakeholders, possibly facilitated by a third party, in which parties share their perspectives and experiences and seek to understand those of the other (Yungbluth & Johnson, 2010). In terms of outcomes, legalistic justice aims to hold the wrongdoer accountable with standardized sanctions. Restorative justice accomplishes accountability by encouraging the wrongdoer to accept responsibility and “make things right” by apologizing and possibly offering reparations as worked out with the person who was hurt (i.e., reparation). Accepting responsibility and making things right, in turn, facilitate the goals of relationship repair and reunification (i.e., reintegration), which are characteristic of “forgiving organizations” (Fehr & Gelfand, 2012). In sum, legalistic organizing likely is characterized by practices most commonly associated with bureaucracies, such as codification of policies and procedures enforced by superiors. Restorative organizing, in contrast, is more humanistic, characterized by

Table 1. Comparison of Legalistic and Restorative Features.

Feature	Legalistic	Restorative
Conceptualization of wrongdoing	Violations of policy	Violations of people, relationships, and workplace norms and values
Management of wrongdoing	Rational argumentation on using evidence, managed by authorities	Dialogic communication in a personal meeting, possibly with a facilitator
Accountability as	Punishment of offenders	Accepting responsibility, apologizing, offering reparation
Desired outcomes	Reinforcement of policies	Forgiveness, reconciliation, reintegration
Underlying values	Rational-legal authority, objectivity, independence, depersonalization, rationality	Self-determination, empowerment, holistic concern, interdependence, healing, growth

attention to *people* and their needs with practices such as facilitated dialogic communication and apology that encourage personal, relational, and communal restoration. Table 1 provides a comparison of legalistic and restorative justice features.

These justice characteristics suggest that restorative and legalistic practices should result in differing workplace processes and outcomes. However, given the institutional legitimacy gained from conforming to legalistic standards (Scott, 1994; Sitkin & Bies, 1993), organizations are not likely to *replace* legalistic dispute systems with restorative systems. Instead, they are probably more likely to *import* them into the existing system, creating a potential tension between the legalistic structure and restorative practices (Ashcraft, 2000, 2006). This coexistence can lead to the emergence of justice-related paradoxes.

Research Question 1 (RQ1): What features of legalistic and restorative justice are apparent in an organization that mandates the use of restorative practices within a legalistic organizational structure?

Paradox, Organizing, and Restorative Justice

Organizing is an exercise in managing contradictions and tensions between divergent goals, expectations, processes, and behaviors (Cameron & Quinn,

1988; Clegg, da Cunha, & e Cunha, 2002; Lewis, 2000; Poole & Van de Ven, 1989; Putnam, 1986). One type of contradiction is the paradox, which is “the simultaneous presence of contradictory, even mutually exclusive elements” (Cameron & Quinn, 1988, p. 2). Paradoxes emerge when “in the pursuit of one goal, the pursuit of another competing goal enters the situation (often without intention) so as to undermine the first pursuit” (Stohl & Cheney, 2001, p. 354). This undermining indicates a pragmatic paradox, in which mutual exclusions come about over a period of time (Putnam, 1986). Pragmatic paradoxes surface constraints within an organization (Putnam, 1986) and enable organizations to pursue multiple goals at the same time while still maintaining some semblance of order (Hatch, 1997). Of the pragmatic paradoxes, this study focuses on system contradictions, in which “an organization’s practices (ways of getting things done) become incongruent with its structures (rules, procedures, and policies for operating)” (Putnam, 1986, p. 154).

Researchers have noted many paradoxical features of organizational processes such as change, decision making, control, and task accomplishment (Ashcraft, 2000; Cameron & Quinn, 1988; Clegg et al., 2002; Lewis, 2000). Paradoxes pertaining to participatory workplace democracy and workplace legalization are of special interest here. Stohl and Cheney (2001) identify several categories of paradoxes resulting from participatory democracy in the workplace, including paradoxes of organizational structure, identity, and power. These paradoxes can create a situation in which employees grapple with contradictory expectations for decision making, organizational identification, and empowerment. Sitkin and Bies (1993) identify several paradoxes of workplace legalization, noting that legalization, although intended to empower participants, enhance flexibility, and promote a sense of fairness, often results in the opposite. These paradoxes of legalistic justice and participatory democracy suggest that engaging in restorative justice may have paradoxical consequences.

The present study builds on restorative justice and workplace paradoxes research by exploring whether, how, and why such system contradictions emerge when members use restorative practices within a largely bureaucratic structure. Research on restorative justice in the criminal justice setting suggests that practicing restorative justice within a legal setting could lead to paradoxes as restorative practices become “incongruent” with legalistic structures (Pavlich, 2005). This study aims to identify such paradoxes by examining the experiences of members in an organization that codified restorative justice as its conflict management policy and reinforced those codes through conflict management norms.

Research Question 2 (RQ2): What paradoxes emerge in an organization that mandates the use of restorative practices within a legalistic organizational structure?

Method

Organization Description

The investigation, which was part of a larger study, was based on interviews with employees of Victory Christian School [VCS], a private, religious school in the southwestern United States. Forty people, all of whom supported and shared the school's Christian beliefs, were employed as full-time, paid staff members at VCS. Twenty-nine members were teachers, and 11 were administrative staff members. VCS was divided into three "schools": the Lower School (pre-Kindergarten-6th), the Middle School (7th and 8th), and the Upper School (9th-12th). The Lower School administrator oversaw Grades pre-Kindergarten through 6th while the headmaster oversaw the Middle and Upper Schools, and VCS as a whole.

The school was an appropriate site because it reflected legalistic and restorative justice features. As discussed below, several workplace legalization features were evident in the school, including use of and emphasis on formalized policies, bureaucratic structure, due process, and a legalistic dispute management system. In addition, the application of Kidder's (2007) workplace restorative justice framework pointed to the presence of restorative features. Kidder argues that workplace restorative justice is evidenced by practices of participation in dialogic practices, reparation through practices like restitution and apology, and reintegration of the wrongdoer back into the workplace through practices such as forgiveness and reconciliation. As illustrated below, dialogic communication, apology, forgiveness, and reconciliation, undergirded by restorative values of unity and peace (Braithwaite, 2002), were normative practices in the organization. Thus, the school provided an informative site in which to investigate not only ways of engaging in legalistic and restorative expectations (RQ1) but also the tensions underlying the simultaneous presence of both sets of expectations in a workplace (RQ2).

Participants and Data Collection

After obtaining permission from the headmaster to conduct interviews, I sent individual emails to school employees to describe the study and seek participation in an interview. Twenty-three teachers and three administrative staff members participated in individual, semistructured interviews (see Table 2

Table 2. Participant Demographics.

Participant pseudonym	Organizational position	Participant sex	Years at VCS	School within VCS
Alex	Teacher	Male	4	Middle and Upper
Catharine	Teacher	Female	3	Lower
Sam	Teacher	Male	1	Middle and Upper
Emily	Teacher	Female	3	Middle and Upper
Allison	Teacher	Female	2	Lower
Amy	Teacher	Female	1	Lower
Charles	Teacher	Male	1	Middle and Upper
Tammi	Teacher	Female	6	Middle and Upper
Sharon	Teacher	Female	2	Lower
Ken	Teacher	Male	6	Middle and Upper
Brenda	Teacher	Female	2	Middle and Upper
Molly	Teacher	Female	8	Middle and Upper
Aaron	Teacher	Male	2	Middle and Upper
Kristy	Teacher	Female	6	Lower
Liz	Teacher	Female	1	Lower
Nancy	Teacher	Female	4	Lower
Debra	Teacher	Female	3	Lower
Jane	Teacher	Female	2	Lower
Mark	Administration	Male	4	
Ryan	Administration	Male	2	
Rebecca	Administration	Female	4	

Note. VCS = Victory Christian School.

for participant demographics). Although this sample size is smaller than found in other case studies (though see Browning & Boys, 2015, for a case study with similar size), it accounted for 65% of the total staff and was sufficient to achieve theoretical saturation (Eisenhardt, 1989), suggesting that the size was appropriate.

Of the 23 teachers, four were team leaders who were heads of departments. Seven men and 19 women, all of whom identified as being Caucasian, participated in interviews. The 26 participants had worked at the school between 1 and 9 years, with an average employment tenure of 3.5 years. The 26 interviews occurred over 16.37 hr of conversation, with an average interview time of 37.79 min, generating 309 pages of single-spaced transcripts.

Interviews were guided by three primary questions: (a) “What is it like to work here at VCS?”; (b) “What has been a time when someone at VCS did something that was hurtful, offensive, insulting, or angering to you?”;

and (c) “How do people at VCS typically react when they feel hurt, offended, insulted, or angered?” Follow-up questions were used to probe for additional information, such as typical interactions with coworkers, emotion management during conflict, and workplace expectations for managing conflict. Interviews aimed to explore the organizational climate at VCS, disruptions of that climate, and responses to such disruptions. If participants could not think of a hurtful situation, they were asked to identify something that a colleague could do that would feel hurtful. Such hypotheticals were informative because they surfaced organizational norms that “regulate and regularize group members’ behavior” (Feldman, 1984, p. 47). Similar to Mitrano (1997), asking participants about events that they found or would find hurtful helped

to identify those outcomes, procedures, and interactions the professional employees themselves labeled as just or unjust, to understand how perceptions of justice and injustice in those realms were created, shaped, managed, and negotiated, and to explore the role of particular organizational workplace elements in the construction of such perceptions. (p. 186)

Participants’ answers about what they would find inappropriate and how they would respond surfaced normative expectations both negatively (violations of relational and interactional norms) and positively (interactional and relational workplace norms). Moreover, as noted by Cai and Fink (2002), previous research in conflict has used hypothetical situations to investigate conflict behavior (Scott, 2008; Silver & Harkins, 2007). Thus, both types of responses—hypothetical and actual—provided insight about appropriate and inappropriate ways of behaving as well as task, relationship, and interaction goals. Because each of these areas evidenced features of legalistic and restorative features and expectations, it was appropriate and informative to examine both types of events in combination.

Data Analysis

Data analysis occurred in three phases. First, focusing on observable practices and expectations of conflict management and relationship maintenance, I engaged in thematic analysis using line-by-line coding of the data (Braun & Clarke, 2006). For example, a statement such as “forgiveness is important to maintain unity” was coded as both forgiveness and relational unification. These codes were then compared reflexively with each other to develop categories inductively (Braun & Clarke). Second, I evaluated the extent to which the categories reflected principles of restorative and legalistic justice (RQ1)

as enumerated by Kidder (2007) with regard to restorative justice and Sitkin and Bies (1993) with regard to legalization.

Following Lewis's (2000) framework for identifying and representing paradoxes, the third phase involved evaluating the relationships of the categories associated with restorative and legalistic justice principles to examine whether the categories fit together (convergent), worked against each other (divergent), or were unconnected (neutral) (RQ2). Identification of paradoxes followed the multiparadigm approach that involves "using opposing theoretical perspectives as sensitizing devices" (Lewis, 2000, p. 772). The two opposing perspectives were legalistic and restorative justice, which offer contrasting ways of making sense of conflict, relationships, and justice. These perspectives were lenses to evaluate the extent to which legalistic and restorative features were in tension with one another. This evaluation led to the identification of the three paradoxes discussed below, conforming to Lewis's recommendation that investigators think in both/and relationships to conceptualize paradoxes. Because paradoxes are rooted in tensional or divergent relationships, analysis involved identifying tensions between practices, expectations, and goals categorized as reflecting legalistic or restorative justice.

Restorative and Legalistic Practices in the Workplace

Although three participants (two in the Middle and Upper Schools and one in the Lower School) refused to talk about conflict experiences due to their belief that such talk would be akin to gossip, most participants identified one or more events that were or would feel hurtful. In terms of hypothetical behavior, eight participants (four in the Lower School, three in the Middle and Upper Schools, and one in administration) identified situations involving talking about someone behind his or her back ($n = 3$), spreading false information about someone ($n = 3$), criticizing job performance ($n = 3$), and undermining authority ($n = 1$). In terms of actual behaviors among employees, excluding situations involving inappropriate confrontation behavior by parents ($n = 13$) and events that occurred at the school but during a different administration, 16 participants (two in administration, six in Lower School, and eight in Middle and Upper Schools) identified problematic events involving violations of policy or structure, typically involving going to administrators rather than to the other party in conflict situations ($n = 8$), problematic collaboration or interaction by teachers ($n = 7$), social violations (e.g., gossip) about teachers ($n = 5$), and unspecified offenses by teachers ($n = 2$). Together, 21 of 26 participants (80.7%) identified at least one hypothetical and/or actual problematic event, with three participants refusing to talk about conflict, one

participant identifying only conflict with parents, and one participant discussing conflict in general.

The nature of these situations pointed to the importance staff members attributed to maintaining close relationships and following due process. The majority of events (criticism, gossip, inappropriate interaction) pertained to violations of relationship and interaction norms. Yet the single largest category of violations involved nonconformity to due process expectations. Together, regardless of whether participants identified hypothetical and/or actual events or whether they refused to talk about conflict episodes, their responses about expectations and practices for managing conflict and working at VCS highlighted the presence of legalistic expectations of following codified procedures and obeying authority as well as restorative expectations of maintaining unity and engaging in relationally sensitive communication.

Legalistic features were evident in the school's hierarchical structure, expectations of process conformity, and justification of process conformity through formal codes and policies. At the top of the school's hierarchy was the headmaster, who had "the authority to implement all policies and oversee the complete option of the school program and all facets of it," with "department heads, teachers, and everything [under him]" (Mark). (All names used are pseudonyms.) Teachers across all grade levels spoke often about the need to "obey authority" (Catharine) and "give [authorities] the respect they deserve" (Sam). Sam, who had been at the school for several years, indicated that "we are about obeying authority, and that is something that is emphasized." Not obeying administration guidelines, including guidelines for how to manage conflict, resulted in punishment, ranging from "putting us in our places" (Emily) to firing. Another teacher who had taught at the school for several years indicated that an administrator "has fired some folks . . . I think some of it was conflict, failure to follow orders, failure to get along, failure to do this or that" (Alex). Obedience was a tenet of their religious belief system as well as a stipulation of their annual employment contracts.

The importance of hierarchical structure, process conformity, and formalized codes and policies was evident in the school's legalistic dispute system. According to the system, first, employees were to "deal with [conflict] on the lowest level" (Mark). If employees were still "dissatisfied," they could elevate the dispute, at which time an administrator would

[m]ediate or get involved to try to find a ground that stays within the policies of the school. Then, if in that process the individual who has either been offended or had a conflict feels that [the administrator] . . . has been capricious in the implementation of policies and been unfair, then they can appeal in writing for whatever decision to the board of trustees. (Mark)

If staff members took a dispute to their supervisor before addressing it together, the supervisor tended to “encourage” them to talk with each other. As Ryan, an administrator, noted,

If you come to me and tell me [that you’re having a problem], and I ask you, “Have you talked with them?” or whatever—if they [*sic*] haven’t, I’m going to check back in about a week and say, “How did your conversation go?” If they haven’t had one, then I’m going to do all I can to encourage it.

In all, organizational norms, policies, and contractual obligations of process conformity and obedience of authority, along with the school’s legalistic dispute management system, suggested the presence of legalistic organizing features.

Staff members also spoke of the need to pursue restorative practices and goals: unity and peace by participating in face-to-face dialogue, making things right by apologizing, forgiving, and reconciling. Relational unity and peace were key concerns among participants. Allison, a Lower School teacher, commented that “the academics are not the most—they’re important, that’s why we’re here, but that’s not the most important thing at our school. It’s the unity.” Another teacher who was new to the school, Amy, distinguished VCS from other places she had taught previously by noting the presence of “love and unity” at the school. Maintaining unity went hand in hand with “keeping the peace” (Ryan), with Charles noting that “the ultimate goal [is] peace and love.” Peace meant “there’s nothing held against that person [who hurt you] . . . You’re living in light of the fact that you’re going to put—at all costs—peace ahead of the conflict or the dispute or whatever it is” (Charles).

Employees attempted to foster unity and peace through dialogic communication, which involved “[taking] a step back and [trying] to put myself in the place of” the other person (Tammi), sharing one’s experiences with that person, and (constructively) sharing emotions with that person. In day-to-day interaction, this involved practices such as talking about their respective families and asking for prayer for difficult situations, both of which allowed members to know what was happening with one another and engage in empathic listening. In conflict situations, dialogic communication involved perspective-taking, constructive sharing, and coming to a mutually satisfactory resolution that brought healing and peace to their relationship. Dialogic communication, facilitated at times by an administrator, encouraged apologizing, smoothing, forgiving, and peacemaking. For example, following a disagreement with a coworker, a teacher brought tea to that coworker as a peace offering to express her desire to restore unity to that valued relationship. Another Lower School teacher, Sharon, indicated that if “there were an

error on my part, I would definitely apologize. And possibly if this conversation was an error on their part, I would hope an apology would be coming, too." Apologizing facilitated forgiveness and reunification, which were rooted in staff members' interwoven religious and organizational value systems that promoted ideals such as "peace" (Charles), "supportiveness" (Ken), "love" (Brenda), "taking care of one another" (Rebecca), and "reconciliation as much as possible" (Sharon). As Ryan stated, "I think it's important on all levels to make peace and often forgiveness and ask forgiveness."

In sum, both legalistic and restorative features co-occurred in the school. Catharine, who had been at the school for several years, noted,

There is a sense that you have to follow the rules. I mean, we do have a policy manual, and, you know, you break some rules, you can forgive that person. But . . . you can't just change the policy manual.

Not only did administrators emphasize the importance of following the policy manual, but members also believed that the policy manual aligned with their religious beliefs. Several participants drew parallels between conflict management regulations in the policy manual and a passage in Matthew 18 of the Hebrew Bible that identified how to manage disagreement. This suggested that members had adopted, internalized, and legitimated school policies regarding conflict management. Such internalization may have motivated the three participants' refusal to talk about conflict at the school, believing that it was akin to gossip and therefore forbidden by both policy and religion.

Paradoxes of Mandating Restorative and Legalistic Justice in the Workplace

The co-occurrence of legalistic and restorative norms and practices suggested the presence of several paradoxes: the paradox of empowerment (hierarchy–democracy), the paradox of connection (pull together–push away), and the paradox of sensitivity (personal sensitivity–professional standards) (see Table 3). The paradoxes worked at both the organizational and relational levels, mutually reinforcing each other.

Paradox of Empowerment: Bureaucracy–Democracy

Restorative justice advocates argue that legalistic dispute management procedures disempower victims and offenders by stripping them of decision making and process control and giving that control to superiors or third parties (Zehr, 2002). Restorative practices seek to empower the parties by returning

Table 3. Paradoxes of Restorative Justice in the Workplace.

Paradox	Definition of paradox	Exemplar
Paradox of empowerment	Requiring participation in restorative practices reinforces bureaucratic structure, authority of superiors, and primacy of policy and rules.	<p>"If you look at some of our policy and then some of our code that's written, it's based on—I know from our administration—if someone has an issue with the teacher, the administrator will have them talk to the teachers first."</p> <p>"It's definitely made clear that first step is you go to the person . . . In that submission I also feel comfortable . . . It's first you approach the person you have a problem with and then, if that doesn't work, you get somebody in the administration and you mediate with them. That's a very clear protocol here."</p> <p>"I know he has fired some folks . . . I think some of it was conflict, failure to follow orders, failure to get along, failure to do this or that."</p> <p>"The Biblical model is that we are supposed to approach that person with another party. If they still disagree with us, then you kind of get to a bigger problem. If that person still just continues to live in rebellion, a dissociation from that person [is needed], because there has to be consequences."</p> <p>"Peace and love and all those things should be foremost in how we deal with one another. We should not lord it over or not judge because that's all we can do—okay, let's be factual. Just present it and try to control emotions and control selfish motives."</p> <p>"[My supervisor] is wonderful [in getting] to the nuts and bolts, 'Oh, that's an emotional thing. Let's try to cut through and let's see where's the real problem.'"</p>
Paradox of community	Practicing inclusion-focused restorative justice can result in exclusion of members.	
Paradox of the professional	By framing restorative practices as problem-solving tools, the very qualities that distinguish restorative dialogue from other practices are diminished.	

that control to facilitate the restoration of their senses of voice, security, dignity, and self-efficacy (Braithwaite, 2002; Morris, 2002). Legalistic adoption of these ostensibly democratic practices can lead to a paradox of empowerment influencing both organizational structure and employees' relationships in which subordinates' use of democratic, restorative practices ultimately empowers superiors and reinforces bureaucracy.

When offensive behavior occurs, offended parties tend to turn to authorities, such as organizational superiors, who then manage the situation. This approach reflects a belief that administrators, who are higher in the bureaucratic structure, have legitimate authority as codified in organizational policy to enforce those policies and manage violations because of their position and their representation of the organization whose rules were violated (Morris, 2002). Administrators, then, have authority to direct lower level employees' behaviors and enforce policy conformity, thereby reinforcing their rational-legal authority (Weber, 1969).

Such legalization was evident at VCS in the bureaucratic organizational chart, the appellate style conflict management system, and organizational norms requiring obedience of and respect for authority. Aaron, for example, said he was "paid to do my position and be under their authority," with Amy indicating that "If you have an authority figure, you are to respect that person and you need to do as they ask." Teachers described administrators as "ultimately the authority" (Aaron) whom they needed to "respect" (Kristy) and "obey" (Sam) by not "disrespecting the authority and talking behind our principal's back" (Amy). Failure to obey could result in being fired. For example, Kristy relayed her experience of violating organizational hierarchy by taking her frustrations to the headmaster rather than her supervisor:

I took it upon myself to present that to [the headmaster], which was disastrous, totally disastrous. I didn't go to [my boss], I should have gone to him. And so the principal did the right thing and he called all of the [involved] teachers and the administrator and we all had a meeting after school one day. He worked it out for us. A couple of teachers were fired over it. Yeah, because they weren't on board with the administrator. And I was viewed as being the mouthpiece, which I am. So, by the grace of God, I was not fired for stepping out of line, and things were resolved.

Such a response by the administrator reinforced the importance of obeying authority, respecting hierarchy, and following policy at VCS.

A restorative approach to managing wrongdoing attempts to redirect power from authority figures and toward participants by facilitating direct communication between the principal parties, thereby increasing their

process and decision-making control (Morris, 2002; Umbreit et al., 2007). Such an approach is more closely associated with democratic rather than bureaucratic workplace structures and practices (Braithwaite, 2002; Parkinson & Roche, 2004). At VCS, teachers were expected to manage conflict together by interacting, not gossiping, and coming to a resolution together. Allison indicated,

If you look at some of our policy and then some of our code that's written, it's based on—I know from our administrators—if someone has an issue, the administrator will have them talk to the teacher first.

Administrators frequently told subordinates about the need to demonstrate accountability by approaching one another during problematic situations rather than taking the situation straight to an administrator. Sam indicated that approaching one another is “very stressed by administration.” Another teacher was told by an administrator,

The first thing is to go to the person. Don't come to me. If you have an issue with someone, go to them and tell them what it is. If you can't resolve it, then come with them to me and we'll talk about it. (Liz)

The school's handbook noted, “It is crucial that friendships at our school include the willingness to confront each other, and thus be responsible for each other's growth.” By talking with one another, people in conflict ostensibly are empowered by reaching their own agreement rather than an administrator doing so for them.

Mandating participation in democratic restorative practices by using organizational policies enforced by superiors, though, ultimately reifies existing bureaucratic structures that locate policy-making power and authority of practice at the top. This paradox has both individual and structural implications, influencing individual authority as well as organizational structure. Following the rules by engaging in direct communication, which presumably promotes workplace democracy, ultimately validates bureaucratic structure and superiors' authority. As Kristy noted,

If you have a problem with another teacher, you go to that teacher. Don't go to the principal because he's going to say, “Have you spoken to the teacher?” . . . So we try to keep that hierarchy working.

The result was that the democratic practice of restorative dialogue also ended up reinforcing legalistic principles of hierarchy, authority, and conformity to policy.

Paradox of Community: Pull Toward–Push Away

Restorative thinking about harm-doing argues that such events are inherently conflicts of people, relationships, communities, and their respective moralities (Morris, 2002; Wenzel et al., 2012). Hurtful behavior can result in removal of the offender from the community (e.g., firing, suspension), damage to victims' (and offenders') community standing, and challenge to the community's underlying morals and norms (Goffman, 1971). Restorative practices of "making things right" and potentially forgiving and reconciling suggest that relational connection and community belongingness, or the feeling of integration into a larger system (Hagerty, Lynch-Sauer, Patusky, Bouwsema, & Collier, 1992), are important concerns of restorative justice. Legalization, however, marginalizes concern for belongingness as membership becomes more formalized by being rooted in and regulated through organizational policies (Pfeffer, 2009). Consequently, mandating the use of restorative practices creates a push-pull tension in which exclusion and avoidance can result from desires for belonging, inclusion, and unity, thereby influencing organizational membership and relationship closeness.

Restorative practices in the workplace are designed to enhance and restore feelings of connection with each other, which can result in greater feelings of connection to and identification with the organization as a whole (Silva & Sias, 2010). This feeling of connection can give rise to perceptions of "unity" and "family" within a workplace. As noted above, VCS participants praised the unity at the school. The same teacher above who indicated that unity was the most important concern at the school indicated that unity was part of "what makes this school so incredible" (Allison). Rebecca described her relationships with others as, "friendship—it's beyond friendship. You have your friends, but then they grow into something, to where you can really trust them and become a family." Kristy indicated, "We are family even though we're not blood. So we have to take care of our relationships—that's what you do." Their shared faith enhanced feelings of school community rooted in a common moral foundation.

Restorative dialogue aims to repair fractured relationships and reintegrate the wrongdoer by restoring relational harmony, repairing damaged identities, reinforcing the importance of community values, and reaffirming commitment to community relationships and identities (Morris, 2002; Pavlich, 2001; Raye & Roberts, 2007; Wenzel & Okimoto, 2010). At VCS, the goal of dialogic communication was to repair relationships and maintain a family-like connection, with Nancy saying that she wanted to see people "talking it out and seeing what each side, how they were feeling. And then probably a hug at the end." Mark said the administration wanted "the two parties who are

involved at some point to sit down and be willing to say and agree that certain things did occur, and there's a resolution to it." Participants also said that people "have to operate in forgiveness, not to destroy the fellowship" (Allison), resulting in "reconciliation as much as possible" (Sharon), "being able to work together even though they may not agree on everything" (Ryan), and "rebuilding trust" (Sharon) because "community relationships are very important" (Ken).

It is in this pursuit of unity and peace that the paradox of community occurs in the workplace. Similar to the paradox of community in the context of participatory workplace structures (Stohl & Cheney, 2001), the connection paradox is rooted in a pull (toward)—push (away) tension motivated by the desire for relational unity that results in inclusion (pull) of conforming employees and exclusion (push) of nonconforming employees as well as direct communication (pull) and avoidance (push). In this paradox, actions that ostensibly work against restoration—avoidance and exclusion—are justified by invoking the importance of restorative principles—involvement and inclusion.

At VCS, this exclusivity was apparent in practices of membership termination. Recall, for example, the participant who indicated that an administrator had fired subordinates for conflict and failure to follow orders. Kristy's experience was similar, almost being fired for bringing her complaint to the headmaster rather than her supervisor, thereby failing to pursue unity or submit to authorities. A similar instance of exclusion, supported by the employees, involved the expulsion of several families for what employees described as failure to follow organizational policies regarding dispute management. The families, whom staff members accused of gossiping and not following organizational procedures, were, in the words of a participant, "becoming a negative [influence] and creating a real problem" (Mark). Expelling the students, in the eyes of the staff, was justified to maintain unity between and among employees, parents, and students. This is not to say that firing, expulsion, and/or ostracism were *first* steps. Instead, exclusion was a gradual result of continued nonconformity to values and practices that promoted inclusion and unity.

Likewise, the desire to maintain at least the appearance of peace led to avoidance (rather than engagement) and "smoothing over" of conflicts. Emily indicated that she "tends to pull back . . . and not go places where I know they're going to be," which she admitted was "not healthy, but that works for me." Another teacher, Molly, indicated that "I don't do anything with them anymore because you have to isolate yourself from someone who is going to bring you down." Instead, the person reported trying to move on by using "a lot of prayer." Although this avoidance did not persist for all that long, it functioned as a defense mechanism and as an appearance management

practice that allowed participants to work through their negative emotions on their own while maintaining the appearance of unity and peace.

In short, requiring restorative practices led to a pull–push tension resulting in inclusion and exclusion as well as engagement and avoidance. Like the paradox of empowerment, this pull–push tension was evident organizationally and relationally. On one hand, restorative practices seemingly promote relational restoration and organizational inclusion through direct dialogic communication between the disputing parties. On the other hand, mandating participation in these practices facilitated the exclusion of people who did not participate and relational avoidance of the other person in the conflict. These results are rooted in valuing at least the appearance of unity, belonging, and peace in the workplace.

Paradox of the Professional: Personal Sensitivity–Professional Standards

From a legalistic framework, hurtful behaviors are policy violations most appropriately resolved through traditional problem-solving methods. Traditional problem solving stresses (a) the importance of rationality and objectivity to fully understand the problem and select the best resolution to that problem, and (b) the utilization of objective processes to ensure that such resolutions are unbiased and impartial (Hollingshead et al., 2005). At the heart of problem solving is what Barge (2001) calls “problem talk,” which is grounded in “deficit language,” or the identification of what is “wrong” or “not working.” Problem solving involves eliminating particular emotions to evaluate and respond rationally to the problematic behavior and the person responsible for it. Rationality, objectivity, and process conformity are characteristic of professional standards traditionally practiced and encouraged in workplaces (Cheney & Ashcraft, 2007; Lammers & Garcia, 2009). “Professionals,” then, control their emotions to remain rational and solve conflict problems, thereby separating deeper “personal” concerns and practices from “professional” concerns that are not as deep.

These professional standards were evident at VCS, particularly in how participants talked about hurtful situations and emotion management. Both teachers and administrative staff members tended to describe conflicts as “problems”: “If there’s a problem, we just usually work it out” (Molly); “If you are a teacher I was having a problem with, well I am not going to go to Joe teacher down the hall and start talking to him about it” (Sam); “You don’t have to run to the headmaster with every single little problem that needs to be solved” (Catharine). Because conflicts were problems, employees “worked at keeping conflict at a minimum . . . [and] to have the same vision” (Allison).

When confronted with problems, participants talked about the importance of “getting perspective” (Sharon) and keeping a “rational mind [rather than being] in the emotional state” (Sam) so that the emotions of the moment do not prevent people from “thinking as clearly as maybe they could be” (Jane). Instead, “it’s better to not say [anything]—let me go back through and think about it, then try to come back” (Debra). Debra continued, saying,

If I am frustrated, I go calm down . . . and make sure that what I heard or how I was feeling [was appropriate]. Was I being oversensitive . . . “Oh, that’s an emotional thing.” Let’s try to cut through and let’s see where the real problem is.

Rational thinking helped people “find a solution they’re really open to” because they should “actually seek a solution” (Mark). Thus, direct communication to manage conflict “doesn’t get wrapped up in emotions” (Kristy) because people should “try to control emotions and selfish motives” (Charles), enabling them to engage in more appropriate, rational problem solving.

A restorative perspective ostensibly eschews a *problem*-solving approach that minimizes emotion for a personally sensitive understanding of the harm, management, and its consequences. Umbreit’s (2001) theory of humanistic mediation captures this understanding in its advocacy for dialogic (rather than problem-solving) mediation that focuses on restoring people materially, relationally, and emotionally. Thus, a restorative approach emphasizes the use of emotion-focused coping practices like forgiveness that allow room for personal communication and facilitate personal and relational reunification.

As noted above, relational unity was a predominant concern at VCS. The school’s handbook stated, “We want to foster relationships . . . among faculty and administrators that reflect the grace of God in Christ embodied in a safe, caring, and loving environment.” Participants spoke of “an air of forgiveness” (Ryan) that permeated relationships among paid staff and facilitated relationship repair. Forgiving involved needing to “let go of me and my pain and how it hurt me. I have to truly change my mind and my heart to love that person and support that person. You can’t keep it in” (Amy). Forgiving involved “not harboring hatred” (Molly) and “wiping the slate clean” (Charles) to “keep [the body] healthy” (Allison). Forgiving and extending grace were self- and relationship-oriented practices that acknowledged and validated the relational and personal consequences of wrongdoing and sought to repair them to accomplish relationship reunification. They were rooted in empathic perspective-taking facilitated by perceived commonality among the staff. Perceived commonality was enhanced by small talk involving the at-times emotional sharing of their personal (i.e., outside of work) lives. Thus, relationship (re)development was fostered by the sharing of emotions and practices of forgiveness and grace.

The existence of professional expectations and a desire to build personal relationships led to an interesting paradox primarily operating at the relational level in which employees as “professionals” were expected both to conform to and go beyond professional expectations. This paradox of the professional involves maintaining and eliminating relational distance, in part by embracing and minimizing emotion. This led to a tension in which emotionally sensitive practices like forgiveness became transformed into rational reframing. As Sam noted,

As [for] forgiveness between conflicting parties on a professional level, I think it comes down to a point of the person recognizes what they did was wrong, the person that was wronged recognizes that they didn't do it intentionally or maliciously . . . So, from that forgiveness, you get to a point where you may still have your feelings hurt, but you understand they didn't do it on purpose.

Molly reflected a similar instance in which mandated dialogic engagement following problematic behavior became superficial.

I just went and said that what she said about me was not true. And I just wish she would not say it anymore and that was about it. Yeah, you know, she just said, “Well, I thought it was, and I'm sorry it wasn't.” I don't know if she's sorry.

Both the confrontation and the perfunctory apology apparently lacked the emotional sensitivity needed to accomplish restoration, in part because they lacked genuine empathic concern. If restorative practice is a result of conformity to professional standards of following process and regulating emotion, engaging in such ostensibly personally sensitive practices may result in insensitive or formalized engagement, thereby perpetuating norms of professional “distance” and relational “closeness.” In short, norms of “being professional” may work against the essence of relationally restorative practices.

Discussion

By many accounts, restorative justice offers a different, more constructive framework than legalistic justice with which to manage conflict and harm-doing (Fehr & Gelfand, 2012; Zehr, 2002). By emphasizing the importance of practices such as dialogic communication and outcomes such as relational unity, restorative practices can address common criticisms of bureaucracy, such as depersonalization and disempowerment. Yet, using restorative practices within a bureaucratic structure may lead paradoxically to the reinforcement of traditionally legalistic ways of structuring, identifying, and relating in the workplace.

At VCS, legalistic and restorative features were evident (RQ1). Hierarchical structure, an emphasis on process conformity, and use of codified rules to regulate behavior reflected features of legalization (Sitkin & Bies, 1993). Such features are typically associated with bureaucratic structures and the norm of professionalism, both of which foster a degree of separation or segmentation both interpersonally and hierarchically (Pfeffer, 1994). Restorative features, such as face-to-face dialogue, apology, and forgiveness to pursue relational unity and peace, reflected a more democratic and humanistic approach to work and workplace relationships. Such practices, which aligned with restorative emphases on participation, reparation, and reintegration in the workplace (Kidder, 2007), reflected an emphasis on connection rather than segmentation.

This segmentation-connection tension was apparent organizationally and relationally. Organizationally, the paradoxes were evident in workplace structure (hierarchical separation vs. democratic connection) and membership (pushing out or away vs. pulling toward to achieve unity). Relationally, they influenced interaction (avoidance and emotion suppression vs. engagement and dialogic sharing) and relationship closeness (distant vs. communal). Given the interdependence of membership, interaction, relationships, and structure, these paradoxes can be mutually reinforcing. For example, the community paradox legitimizes the exclusion of individuals who violate organizational policies created by authority figures while emphasizing organizational unity and identification. As a result, conformity to hierarchical structure and professional norms (e.g., problem solving, emotion control, and process conformity) becomes a prerequisite for maintaining community membership, thereby reinforcing traditional understandings of power, justice, and membership.

The mandated use of restorative practices motivated the emergence of these paradoxes. Researchers and practitioners argue that participation in restorative practices must be voluntary and that removing that voluntariness can be problematic (Braithwaite, 1999). In a legalistic workplace, where official policies and relational norms mandate participation, voluntariness may not be possible, creating a tension between action and structure.

Because this motivating tension between the mandatory and voluntary nature of restorative practices is likely to be a common experience when administrators codify restorative policies, the question that follows is how staff members can manage these natural, even “inevitable” (Putnam, 1986, p. 162), paradoxes. Some members may choose to exit paradoxical situations they perceive to be particularly problematic and stressful (Stohl & Cheney, 2001). Members who stay can respond in several ways (Baxter & Montgomery, 1996; Poole, 2012): (a) ignoring the paradox (denial), which may occur if the

tension is particularly opaque or nonapparent (Putnam, 1986); (b) focusing on one pole and then another (spiraling inversion), which may happen if people tack back and forth between the poles by situation; (c) taking different roles or parts to unify the poles (segmentation), as teachers act as colleagues and subordinates; (d) engaging both sides while lowering the pull or influence of each (balance), such as by not being as *fully* committed to following due process or pursuing unity; (e) actively working with both forces (integration), by perhaps codifying dialogic practices as VCS did; (f) thinking differently about the tension to see them as no longer paradoxical (recalibration), such as by making sense of legalistic policies as features that promote unity; and (g) legitimizing and utilizing the opposing poles (reaffirmation), perhaps by accepting and embracing the contrasting tensions. At VCS, although a few participants acknowledged tensions between, for example, justice (as punishment) and mercy, most participants did not allude to the presence or experience of tensions. Instead, they seemed to have internalized the expectations as extensions of their religious faith and integrated them as complementary rather than oppositional. Their experience suggests that such paradoxes are not necessarily detrimental in and of themselves.

Research Implications

This study's findings are helpful in terms of theory and organizational practice. Perhaps the biggest need for restorative justice research is theory development, particularly in the organizational context. The paradoxes presented here begin to elaborate on the theory of restorative organizing (Paul & Riforgiate, 2015). Namely, restorative organizing occurs during conflict and nonconflict situations and involves the negotiation of tensions pertaining to power, identity, relationships, and work over time. This negotiation is a constant and reflexive process occurring over time and is rooted in action and structure (Poole & Van de Ven, 1989). Restorative organizing also implicates and is implicated by discourses pertaining to concepts such as "justice," "professionalism," "work," and "community," to name but a few. This tensional understanding of restorative organizing acknowledges the emergent, situated, and social dynamics of justice and organizing (Beugré, 2007).

Consequently, there are two practical implications regarding restorative organizing. First, if promoting the use of restorative justice in a workplace, it may be helpful to acknowledge tensions explicitly and dialogue together on ways to manage those tensions constructively. Recognizing and talking about the tensions can help people respond to ambivalence or stress that may arise. Indeed, VCS members may have experienced little stress resulting from these tensions because they were able to align them with their

shared and deeply held faith and integrate them as part of a consistent whole. Members of more diverse organizations may experience greater stress when directed to pursue restorative goals within a legalistic structure. Second, members should approach goals such as “unity” and “community” with caution. Although workplace community sounds positive, community may create a tighter control mechanism by virtue of the powerful force of values (Pavlich, 2001). Instead, members should try to negotiate the needs of both the individual and the organization on a situational basis (Lindkvist & Llewellyn, 2003).

Limitations and Future Directions

These findings have limitations that should be noted. The primary caution is that the findings are derived from employees in a single organization and are therefore limited in their generalizability. Although single case studies are not uncommon (Garner, 2013; Scott, 2013; Williams & Connaughton, 2012), future research should continue to identify additional organizations that have instituted restorative justice policies. Relatedly, analysis could have been strengthened by a larger sample size, which possibly can be achieved by studying multiple organizations and/or by studying a single organization over an extended time period. Second, and related, the type of organization studied here was fairly unique, characterized by factors such as religious identification that may have lowered members’ perception of or sensitivity to the existence of the paradoxes identified above. Although awareness of paradoxes is not a necessary condition for those paradoxes to exist, the experiences of the tension may differ, possibly leading to different organizational and relational outcomes. Longitudinal analysis of an organization adopting restorative policies or analysis of such adoption in more diverse organizations can be useful in evaluating both awareness and experience of these paradoxes. Third, although school employees likely experience similar frustrations as employees in business corporations, schools are unique organizations. However, the school investigated here was fruitful because of its emphasis on restorative practices within a bureaucratic structure traditionally used by business corporations, opening the potential for system contradictions. Fourth, the lack of member checks to evaluate participants’ perspectives of these paradoxes missed opportunities to evaluate how they perceived the existence, intensity, and impact of these tensions in their organization and to provide a richer account of the findings presented here.

As restorative justice grows in the West, organizations seem to be the next frontier for these practices. Given the interest in fostering connection and empowerment, restorative practices may have found their time in workplaces.

Although they offer noteworthy promise, we must be mindful that promoting restorative practices in a legalistic environment may lead to system contradictions. Systemic change cannot be maintained simply by requiring stakeholder dialogue and promoting restoration. Transformation requires a fundamental shift in our understanding of people, relationships, and experiences and expectations in the workplace (Lederach, 2003; Zehr, 2009).

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