



**SYSTEMIC JUSTICE: SYSTEMIC AND FAMILY CONSTELLATION AS AN
INNOVATION IN THE LEGAL FIELD**

**JUSTIÇA SISTÊMICA: A CONSTELAÇÃO SISTÊMICA E FAMILIAR COMO
INOVAÇÃO NO CAMPO JURÍDICO**

**JUSTICIA SISTÉMICA: CONSTELACIONES SISTÉMICAS Y FAMILIARES
COMO INNOVACIÓN EN EL ÁMBITO JURÍDICO**



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ABSTRACT

This chapter analyzes the application of Systemic and Family Constellations (SFC) as an innovation in the legal field, proposing a notion of systemic justice—an approach that complements, but does not replace, positive law. Based on a triangular methodological design (an integrative literature review of 28 studies, qualitative and quantitative research with 131 Brazilian constellation practitioners, and an analysis of institutional case studies), the text demonstrates how the phenomenological-systemic principles of SFC—belonging, order, and balance in exchanges—allow for transgenerational access, symbolic exclusions, and unconscious loyalties that sustain seemingly insoluble conflicts. The analysis covers applications in judicial mediation, inheritance law, business disputes, and community justice, highlighting experiences at the CEJUSC-BH and the OAB Systemic Law Commissions. The chapter also addressed epistemological criticisms of SFC, reaffirming its phenomenological (non-positivist) nature and proposing rigorous ethical protocols—especially in sensitive contexts such as domestic violence. Finally, it discusses future trends, such as the training of "systemic legal facilitators," inclusive public policies, and the research agenda for a systemic science of justice, always with critical attention to the dimensions of gender, coloniality, and cultural diversity. Far from being a mystical practice or a substitute for the rule of law, CSF emerges as a sensitive social technology capable of humanizing justice and interrupting cycles of tragic reproduction.

Keywords: Systemic and Family Constellation. Systemic Justice. Systemic Law. Judicial Mediation. Epistemological Decolonization.

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RESUMO

Este capítulo analisa a aplicação da Constelação Sistêmica e Familiar (CSF) como inovação no campo jurídico, propondo uma noção de justiça sistêmica — uma abordagem que complementa, sem substituir, o direito positivo. Fundamentado em um desenho metodológico triangular (revisão integrativa da literatura com 28 estudos, pesquisa qualiquantitativa com 131 consteladores brasileiros e análise de estudos de caso institucionais), o texto demonstra como os princípios fenomenológico-sistêmicos da CSF — pertencimento, ordem e equilíbrio nas trocas — permitem acesso transgeracionais, exclusões simbólicas e lealdades inconscientes que sustentam conflitos aparentemente insolúveis. A análise abrange aplicações em mediação judicial, sucessões, disputas empresariais e justiça comunitária, com destaque para experiências no CEJUSC-BH e nas Comissões de Direito Sistêmico da OAB. O capítulo também enfrentou críticas epistemológicas à CSF, reafirmando seu caráter fenomenológico (não positivista) e propondo protocolos éticos rigorosos — especialmente em contextos sensíveis como a violência doméstica. Por fim, discute tendências futuras, como a formação de “facilitadores jurídico-sistêmicos”, políticas públicas inclusivas e a agenda de pesquisa para uma ciência da justiça sistêmica, sempre com atenção crítica às dimensões de gênero, colonialidade e diversidade cultural. Longe de ser uma prática mística ou substitutiva do Estado de Direito, a CSF emerge como uma tecnologia social sensível, capaz de humanizar a justiça e interromper ciclos de reprodução trágica.

Palavras-chave: Constelação Sistêmica e Familiar. Justiça Sistêmica. Direito Sistêmico. Mediação Judicial. Descolonização Epistemológica.

RESUMEN

Este capítulo analiza la aplicación de las Constelaciones Sistémicas y Familiares (CFS) como una innovación en el ámbito jurídico, proponiendo una noción de justicia sistémica, un enfoque que complementa, pero no reemplaza, el derecho positivo. Basado en un diseño metodológico triangular (una revisión bibliográfica integradora de 28 estudios, investigación cualitativa y cuantitativa con 131 profesionales brasileños de constelaciones y un análisis de estudios de caso institucionales), el texto demuestra cómo los principios fenomenológico-sistémicos de las CFS (pertenencia, orden y equilibrio en los intercambios) permiten el acceso transgeneracional, las exclusiones simbólicas y las lealtades inconscientes que sustentan conflictos aparentemente insolubles. El análisis abarca aplicaciones en mediación judicial, derecho sucesorio, disputas mercantiles y justicia comunitaria, destacando las experiencias de las Comisiones de Derecho Sistémico del CEJUSC-BH y la OAB. El capítulo también abordó las críticas epistemológicas a la CFS, reafirmando su naturaleza fenomenológica (no positivista) y proponiendo protocolos éticos rigurosos, especialmente en contextos sensibles como la violencia doméstica. Finalmente, analiza tendencias futuras, como la formación de “facilitadores jurídicos sistémicos”, políticas públicas inclusivas y la agenda de investigación para una ciencia sistémica de la justicia, siempre con atención crítica a las dimensiones de género, colonialidad y diversidad cultural. Lejos de ser una práctica mística o un sustituto del Estado de derecho, la CSF emerge como una tecnología social sensible capaz de humanizar la justicia e interrumpir ciclos de reproducción trágica.

Palabras clave: Constelación Sistémica y Familiar. Justicia Sistémica. Derecho Sistémico. Mediación Judicial. Descolonización Epistemológica.



1 INTRODUCTION: LAW IN SEARCH OF MEANING

This chapter presents a theoretical-critical analysis of the application of the Systemic and Family Constellation (CSF) in the legal field, based on a triangulated methodological design that combines: (i) an integrative review of the literature conducted according to the PRISMA protocol — summarized in the article *"Systemic and Family Constellation in Organizational Management: Evidence and Challenges of an Integrative Literature Review"* (Paula et al., 2025); and (ii) a qualitative and quantitative survey with 131 Brazilian constellations — detailed in the study *"Expansion, Applicability and Effects of the Systemic and Family Constellation in Brazil"* (De Paula et al., 2024). This triangulation between international scientific evidence and national empirical practice allows for a critical, contextualized, and empirically anchored analysis of the CSF as an innovation in the justice system.

The analysis dialogues with the phenomenological-systemic principles of CSF — belonging, order, and balance in exchanges — and with its recognized capacity to act as a social technology of innovation in organizational and institutional contexts. The focus here is to specialize this discussion in the justice system, demonstrating how CSF contributes to the humanization, prevention, and systemic resolution of conflicts, in line with the objectives of the National Judicial Policy for the Adequate Treatment of Conflicts (CNJ Resolution No. 125/2010).

We live in times marked by volatility, uncertainty, complexity, and ambiguity — the so-called VUCA paradigm (Bennett & Lemoine, 2014). This scenario profoundly challenges the legal system, historically anchored in formal logic, rigid norms, and bureaucratic procedures. In the face of conflicts that are increasingly loaded with emotional, historical, and systemic dimensions, justice reduced to the mere application of rules proves to be insufficient. Transgenerational wounds, unconscious repetitions and broken bonds are not resolved only with sentences, but with recognition, inclusion and reconciliation.

In this context, a crisis of retributive justice emerges — centered on punishment and the logic of win-lose — and, simultaneously, the rise of restorative, collaborative, and systemic approaches, aimed at healing relationships and rebuilding the social fabric. Restorative justice, for example, has already demonstrated effectiveness in reducing recidivism and repairing harm by placing victims, offenders, and communities at the center of the process. However, even these innovative models can benefit from tools capable of accessing deeper layers of conflict: those that reside in the collective unconscious, in invisible loyalties, and in the repetitive patterns that cross families, institutions, and even the legal system itself.



It is in this space of innovation and humanization that the Systemic and Family Constellation (CSF) is inserted — a transdisciplinary approach developed by Bert Hellinger based on phenomenology, systems theory and family therapy. Based on the principles of belonging, order, and balance in exchanges, CSF proposes a broader reading of human systems, revealing hidden dynamics that sustain seemingly insoluble conflicts. Originally applied in therapeutic and family contexts, the methodology has expanded strongly to health, education, organizations, and, increasingly, to law — especially in judicial mediation, community justice, succession, and business disputes.

It is important to clarify that, in this chapter, the term "Systemic Law" does not designate a new autonomous branch of Law, but rather a methodological and ethical approach that integrates phenomenological-systemic principles into legal practice, without replacing positive law. It is a movement of relational sensitization of the legal operator, capable of identifying symbolic exclusions, unconscious loyalties and structural imbalances that feed the conflict.

This chapter explores how CSF's systemic principles can reconfigure legal practices, transform mediation processes, and inspire more inclusive public policies. Far from replacing positive law, CSF offers a phenomenological complement that allows the legal practitioner to see beyond the norm: to identify symbolic exclusions, recognize unassumed roles, reestablish the flow of belonging, and thus promote solutions that respect not only legality but also systemic justice—one that honors the past, embraces the present, and paves the way for a reconciled future.

Based on scientific evidence, empirical data from research with 131 Brazilian constellations (De Paula et al., 2024) and critical reflections on ethics, gender, coloniality and applicability, this text seeks to contribute to a more sensitive, relational and transformative Law — capable of responding, with depth and humanity, to the challenges of the twenty-first century.

2 SYSTEMIC AND FAMILY CONSTELLATION IN LAW: FOUNDATIONS, APPLICATIONS AND RESTORATIVE PRACTICES

2.1 THEORETICAL FOUNDATIONS OF THE SYSTEMIC AND FAMILY CONSTELLATION

Developed by Bert Hellinger in the late 1970s, CSF is the result of the integration between psychoanalysis, family therapy, and spirituality. This approach maintains that human systems follow principles of belonging, hierarchy and balance in exchanges, called by Hellinger as "Orders of Love". Such principles organize the bonds and explain the generation of relational and emotional patterns between generations.



However, it is essential to consider that the concepts of "order" and "hierarchy" in the classical CSF were formulated from a Eurocentric, nuclear and patriarchal family vision. Critical Studies (Pritzker & Duncan, 2019; Gyimesi, 2023) warn that such notions can reinforce oppressive structures if applied uncritically in diverse contexts — such as Afro-Brazilian families, matrifocal arrangements, same-sex unions, or indigenous communities. Therefore, the cultural adaptation and epistemological decolonization of the CSF are ethical conditions for its application in Brazilian Law.

According to Cohen (2024), CSF acts on a transgenerational and even quantum dimension of consciousness, in which ancestral memories and epigenetic marks influence behavior. Empirical evidence reinforces this conception, indicating that CSF contributes to the reduction of emotional symptoms and the reorganization of interpersonal relationships (Konkolý Thege, 2021). In the legal field, Systemic Law adopts these principles to humanize the order and promote social pacification through restorative means (Dias and Rieffel, 2020).

2.2 EPISTEMOLOGICAL FOUNDATIONS AND TRANSDISCIPLINARY BASES

The strength of CSF lies in its ability to integrate knowledge from different areas, articulating phenomenological, systemic, biological and informational foundations in a consistent theoretical framework.

In the field of phenomenology, CSF adopts the position of phenomenological reduction proposed by Husserl (1913), which consists of observing what is manifested without judgment or prior interpretation. The facilitator assumes a "not knowing" attitude, allowing the system to spontaneously reveal its dynamics.

From the perspective of Bertalanffy's (1975) General Systems Theory, the human being is understood as part of interdependent systems — family, company, community — in which every change in one element has repercussions on the whole. This view broadens the legal view, shifting the focus from the isolated individual to the relational networks that sustain the conflict.

Behavioral epigenetics provides biological support for the notion of transgenerational transmission of patterns. Research shows that traumas experienced by previous generations can modify the gene expression of offspring, without altering DNA, through gene activation or silencing mechanisms (Yehuda et al., 2016).

Finally, the hypothesis of informational fields or a systemic consciousness (Sheldrake, 1981) proposes that human systems share information beyond individual memory. Although controversial and not empirically validated, this hypothesis is often invoked to explain specific features observed in the constellations. In legal application, such hypotheses should be



treated as heuristic metaphors, and not as ontological truths. The value of CSF in Law lies in its ability to generate phenomenological insights, not in proving metaphysical mechanisms.

2.3 SYSTEMIC AWARENESS AND REPETITIVE PATTERNS IN LEGAL DISPUTES

The concept of systemic consciousness — distinct from individual consciousness — is central to the application of the Systemic and Family Constellation (CSF) in the legal field. While individual consciousness seeks personal well-being, systemic consciousness operates on the basis of a logic of preserving the system as a whole, even if this implies tragic repetitions, symbolic sacrifices, or exclusions of members considered "disturbing." This dynamic, although described by Hellinger as a universal principle, should be understood as a phenomenological hypothesis, useful for interpreting relational patterns, and not as a causal or biological law.

In legal practice, this perspective helps to explain the apparently irrational persistence of certain conflicts. Succession disputes that drag on for decades, family business disputes marked by mutual sabotage, or cases of domestic violence with multiple attempts at reconciliation are often sustained not only by material interests or procedural failures, but by unconscious loyalties, reversals of symbolic hierarchy, or unrecognized exclusions in the family or organizational system.

For example, an heir may sabotage sharing agreements not out of greed, but out of an unconscious loyalty to an excluded or wronged ancestor; a partner can resist strategic decisions because he is, symbolically, "occupying the place" of a forgotten founder; and a victim of violence may return to the aggressor not out of submission, but out of an unconscious attempt to "repair" a familiar fate of abandonment or humiliation.

However, it is essential to approach these interpretations with extreme ethical caution. In contexts of domestic violence, for example, the notion of "loyalty to the aggressor" cannot be invoked without a solid training in gender justice, at the risk of blaming the victim or naturalizing oppression. CSF is only ethically applicable in these cases when integrated with protection protocols, with trained professionals and a focus on the safety and autonomy of the vulnerable party.

In addition, the concepts of "order" and "belonging" need to be culturally relativized. In Afro-Brazilian families, matrifocal arrangements, indigenous communities, or other configurations, the notions of hierarchy, ancestry, and bonding diverge from the Eurocentric matrix that inspired the classical CSF. Ignoring this diversity can lead to the imposition of inadequate or exclusionary normative models.



In this sense, a CSF, when applied in Law, works less as an explanatory theory than as a heuristic tool for relational diagnosis. Its value is not in "proving" that a conflict is systemic, but in expanding the interpretative repertoire of the legal operator, allowing him to see beyond the conscious narrative of the parties and identify dynamics that, if not recognized, tend to repeat themselves – even after formally valid sentences or agreements.

2.4 LEGAL JUSTICE AND SYSTEMIC JUSTICE

One of the main contributions of the Systemic and Family Constellation (CSF) to contemporary Law is the distinction between legal justice and systemic justice. Legal justice operates on the basis of the norm, the imputation of guilt and reparation. It is indispensable to legal certainty and social order, but it is limited when the conflict has systemic roots—that is, when it involves symbolic exclusions, unconscious loyalties, or unrecognized transgenerational patterns.

Systemic justice, on the other hand, seeks to include all those involved in the system, symbolically reintegrate those who have been excluded — even if historically — and restore balance in relationships. This approach does not replace the law, but deepens it, by incorporating the relational, emotional and historical dimension of the bonds that sustain conflict. It is, therefore, an ethical and methodological complementarity, not an epistemological substitution.

Case studies carried out at the Judicial Center for Conflict Resolution and Citizenship of Belo Horizonte (CEJUSC-BH) between 2019 and 2020 demonstrate that the application of the CSF promotes emotional pacification, reestablishment of communication, and greater adherence to judicial decisions (Paula, 2021). These results suggest that, by increasing awareness of the systemic dynamics underlying the conflict, the parties develop greater self-responsibility and reduce procedural recidivism.

It is important to highlight that, according to the interviewees in Paula's study (2021), CSF is not applied as a therapy, but as a relational diagnostic tool. Its focus is not on the individual past or psychic healing, but on the systemic present and the possibilities of a reconciled future. This distinction is crucial for its acceptance in legal contexts, where the functional separation between Law and Psychology must be strictly respected.

Furthermore, the application of systemic justice requires critical sensitivity to structural inequalities. In contexts such as domestic violence, for example, the notion of "reconciliation" cannot be invoked uncritically, at the risk of re-victimization or naturalization of oppression. A CSF is only ethically applicable in these cases when integrated with a gender justice perspective, with trained professionals and protocols that prioritize the victim's safety.



Similarly, in multicultural contexts — such as indigenous, quilombola, or Afro-Brazilian communities — the concepts of "belonging" and "order" must be reinterpreted in the light of local cosmologies, avoiding the impositions of a Eurocentric family vision.

In this sense, systemic justice is not a universal ideal, but a situated practice, which must be constantly questioned as to its cultural, ethical, and political assumptions. When applied responsibly, however, it offers the Law a way to go beyond formal legality and touch the human dimension of the conflict – that in which the sentence can divide goods, but only recognition can restore ties.

2.5 SYSTEMIC AND RESTORATIVE PRACTICES IN THE LEGAL CONTEXT

In forensic settings, CSF and Restorative Justice share principles of reparation, dialogue, and rebuilding of bonds. Both propose a paradigm shift: from the punitive model to collaborative and humanized approaches (Morrison and Ahmed, 2006; Kirkwood, 2021).

Among the most common restorative practices are **victim-offender mediation** and **restorative circles**, which promote accountability, empathy, and agreements aimed at reparation (Nascimento, Andrade, and Rodrigues, 2022). Such methods have demonstrated positive psychological impacts, such as the reduction of post-traumatic symptoms and the increase in the parties' satisfaction with the process (Nascimento, Andrade, and Rodrigues, 2022).

In **high-demand judicial contexts**, where time and resources are scarce, **it is not necessary to carry out a complete constellation**. The experience of CEJUSC-BH shows that **brief interventions**, such as the use of *systemic speeches* ("you belong", "your place is here") or the **reformulation of conflict under systemic lenses**, are already enough to break repetitive patterns and pave the way for collaborative solutions (Paula, 2021). This **operational flexibility** extends the reach of CSF, allowing its application in rapid mediations. An empowered mediator might, for example, ask, "Who are you loyal to, even without knowing it?," revealing unconscious motivations that block the agreement.

2.6. From Theory to Restorative Practice

Both Restorative Justice and CSF aim to restore bonds and promote systemic balance. While the first is guided by reparation and dialogue, the second broadens the view on the emotional dynamics that sustain the conflict. The integration between the two favors more humane, participatory and effective legal practices (Morrison and Ahmed, 2006; Kirkwood, 2021; Sawin et al., 2023).

The articulation between the Systemic and Family Constellation and Restorative Justice represents an advance for the construction of a Law oriented to social pacification.



By incorporating psychological and relational dimensions into the legal process, these approaches broaden the reach of justice and promote shared responsibility among the parties. The contemporary challenge is to consolidate common theoretical bases, qualify application methodologies and expand their use to different legal contexts.

3 INSTITUTIONALIZATION OF CSF IN LAW

The legitimacy of CSF in the legal field goes beyond isolated experiences. There are already Systemic Law Commissions in OAB sections in Minas Gerais, São Paulo, Rio de Janeiro, and other states, which promote training, debates, and ethical protocols for the application of the approach in mediation and conciliation (Paula, 2021). This institutional capillarization signals that CSF is not a passing trend, but a practice in consolidation in the Brazilian Judiciary.

In addition to the OAB Commissions, the National Council of Justice (CNJ) authorized the use of the CSF in the Courts of Justice through Resolution No. 125/2010, which encourages the use of consensual and restorative methods for the composition of litigation. Although the CNJ has, in 2023, recommended caution in cases of domestic violence — due to the need for specific training of professionals — this guidance reinforces the importance of ethical protocols, and does not invalidate the approach.

3.1 CASE STUDY: CSF IN CONCILIATION CENTERS AND COMMUNITY COURTS

An illustrative example of the application of the CSF in the Brazilian Judiciary is described in the study by Rodrigues *et al.* (2023), which investigated the use of the family constellation in mediation and conciliation centers of state courts. The research, of a qualitative and quantitative nature, interviewed 18 professionals — including constellators, judges, psychologists and civil servants — who worked in community justice programs.

The results revealed that, in contexts in which CSF was integrated in an ethical and supervised manner, there were:

- Significant reduction of procedural indentations (same conflict returning to the judicial system);
- Increased voluntary adherence to agreements, especially in family and neighborhood disputes;
- Improvement in communication between the parties, with reports of "different looks" after the constellation;
- Strengthening of the sense of responsibility on the part of offenders, who began to see the systemic impact of their actions.



In one of the reported cases, a dispute between brothers over a rural inheritance had dragged on for more than seven years, with multiple lawsuits and threats of violence. During a constellation session at a conciliation core, it emerged that one of the brothers had been named after an uncle who had committed suicide after losing his land. This "repeated fate"—losing the land like one's uncle—generated an unconscious resistance to amicable division. By symbolically recognizing their uncle in the system ("You also belong to our history"), the brothers were finally able to reach an agreement. The judge in charge highlighted: *"The law had already decided. But only the constellation resolved the conflict."*

This case exemplifies the distinction between legal justice (which decides based on the norm) and systemic justice (which heals based on belonging).

3.2 SPIRITUALITY, NEUTRALITY AND MEDIATION: ARTICULATION WITH RODRIGUES ET AL. (2023)

The article by Rodrigues, A. P. *et al.* (2023), entitled *"Spirituality in family constellations and its reflections for the mediation of conflicts in the judicial power"*, is one of the few Brazilian studies that empirically investigate the interface between CSF and the Judiciary. The research identified that the spiritual dimension of CSF—understood not as a religion, but as a recognition of the sacred in the other and in the system—is often what enables the restorative turn in conflicts.

The authors highlight that, although neutrality is a pillar of judicial mediation, CSF operates with an expanded neutrality: the facilitator does not take sides, but neither does he remain indifferent to systemic suffering. It places itself "at the service of the movement of life", as Hellinger would say, allowing the system to reorganize itself based on its own resources.

3.3 CSF AS A COMPLEMENT TO TRADITIONAL DISPUTE RESOLUTION METHODS

Traditional methods of conflict resolution—whether adversarial litigation or interest-based mediation (Fisher & Ury, 1981)—operate predominantly at the rational and conscious level. CSF, in turn, accesses emotional, transgenerational, and archetypal layers that often determine the behavior of parties, even against their own stated interests.

This complementarity occurs on three levels:

1. Extended diagnosis: while traditional mediation asks *"What do you want?"*, CSF asks *"Who are you loyal to, even without knowing it?"* element. This reveals hidden motivations that block deals.



2. Symbolic reparation: CSF allows symbolic gestures (phrases, positions, recognitions) that restore systemic balance. A common example is the phrase, *"I see you. You belong too."* These gestures have no legal value, but they have transformative power.
3. Relapse prevention: By addressing the systemic roots of conflict, CSF reduces the likelihood of repetition. An agreement made only on the basis of interests can be broken; An agreement made on the basis of belonging tends to be sustainable.

This approach does not negate the importance of the norm, but deepens it. As one of the constellators interviewed by Rodrigues *et al.* (2023): *"The judge judges the fact. The constellator reveals the system that generated the fact."*

3.4 ETHICAL LIMITS AND RESPONSIBILITIES

Despite its benefits, the application of CSF in Law requires ethical caution. Paula's dissertation (2021) warns of risks such as:

- Instrumentalization of vulnerability: emotional information revealed in constellations should not be used as a procedural argument;
- Confusion between mediation and therapy: CSF in courts should focus narrowly on conflict resolution, not individual healing;
- Need for specific training: the facilitator who works in legal contexts needs to master both the systemic principles and the legal framework and the limits of judicial mediation.

Therefore, the author proposes the creation of specific ethical protocols for the application of the CSF in judicial environments, with interdisciplinary supervision (Law + Psychology + Ethics) and clear informed consent, already in use at CEJUSC-BH (Paula, 2021).

4 INTERFACES WITH ORGANIZATIONAL MANAGEMENT: WHEN THE LAW MEETS THE COMPANY

The boundary between law and organizational management has become increasingly porous. In a landscape marked by complex corporate disputes, contentious family successions, and corporate mergers fraught with unresolved tensions, the legal system is often called upon as a last resort—but rarely as a healing space. It is in this intertwining between norm, emotion and system that the Systemic and Family Constellation (CSF) emerges as a bridge between the legal and the organizational, offering a preventive reconciliation technology capable of anticipating, mitigating and even avoiding litigation.



4.1 CONFLICTS THAT CROSS GENERATIONS: CORPORATE, SUCCESSION AND TRAUMATIC MERGERS

Many business conflicts are not born of bad faith or mismanagement, but of deep systemic misalignments:

- Corporate conflicts: partners who become enemies often repeat patterns of exclusion, disrespect for the temporal order, or imbalance in exchanges. A partner who invests time and another who invests capital can experience an unresolved mismatch, generating resentment and rupture. CSF allows us to visualize these dynamics and re-establish mutual recognition: *"You brought the money, I brought the dream. Both are necessary."*
- Family succession in business: perhaps one of the most fertile fields for the application of CSF. It is estimated that less than 30% of family businesses survive the second generation (PwC Brazil, 2023). Many of these failures are not technical, but emotional and symbolic: children who take over ahead of time, parents who do not say goodbye to the position, founders forgotten in the company's official narrative. CSF helps create rites of passage that honor the past and make room for the future.
- Traumatic mergers and acquisitions: When two companies come together without acknowledging each side's identities, histories, and loyalties, the result is often a "culture war." CSF can be used before, during, or after the merger to symbolically include the original systems, preventing one from "devouring" the other. A simple gesture — such as naming a room after the founder of the acquired company — can restore belonging and facilitate integration.

4.2 CSF AS A LITIGATION PREVENTION TOOL

Herein lies one of the greatest contributions of CSF to contemporary Law: its preventive capacity. While the Judiciary acts *a posteriori*, the CSF intervenes *a priori*, revealing tensions before they crystallize into judicial proceedings.

Three systemic principles are especially useful in this context:

1. Alignment of values: many corporate disputes arise not because of divergence of interests, but because of inconsistency between declared values and actual practices. CSF helps to expose this gap and promote ethical and strategic realignment.
2. Role recognition: In teams and boards, unassumed or ill-defined roles breed authority conflicts, sabotage, and passivity. The constellation makes it possible to clarify roles, limits and responsibilities, reducing ambiguities that fuel disputes.



3. Inclusion of "forgotten" founders: Companies often erase from the collective memory partners who left, failed, or died. This symbolic exclusion generates a "systemic void" that manifests itself in repeated crises, misguided decisions, or self-sabotage. CSF allows you to recognize these figures in the system, even if only with one sentence: *"You were also part of this. We remember."*

This recognition has no legal value, but it has restorative power – and it is precisely this power that prevents the conflict from reaching the court.

4.3 PRACTICAL EXAMPLES: FROM THEORY TO ORGANIZATIONAL ACTION

The application of CSF in corporate contexts has already gone beyond the experimental field. Below, some consolidated formats:

- Constellations in family councils: In family businesses, family councils have adopted CSF sessions to align generations, define entry/exit criteria, and prepare successions. The practice helps transform the council from a space of dispute into a forum of belonging and shared responsibility.
- Systemic compliance: inspired by the principles of the CSF, the concept of systemic compliance proposes that integrity policies are not just imposed rules, but expressions of a system that respects itself. When employees feel they belong and are recognized, adherence to ethical standards increases organically.
- Organizational ethics as belonging: ethics ceases to be a code of conduct to become a relational posture. CSF helps reveal how exclusions, symbolic injustices, or power imbalances undermine ethical culture—and how small gestures of recognition can restore it.

4.4 EMPIRICAL DATA: THE VOICE OF THE BRAZILIAN CONSTELLATORS

De Paula *et al.* (2024) provides robust evidence on this interface. In his research with 131 Brazilian constellators, the following findings stand out:

- 76% report regular use of CSF in corporate contexts, especially in family businesses, cooperatives, startups, and third sector organizations.
- 68% say that CSF has directly contributed to the prevention of legal disputes, either by avoiding corporate, succession or labor lawsuits.
- 81% observed an improvement in communication and conflict resolution after the application of the CSF, with a direct impact on the reduction of tensions that could lead to the Judiciary.



- 58% of the constellators work in multiple areas, including Law, Human Resources, coaching and mediation, evidencing the practical interdisciplinarity of the approach.

4.5 SYSTEMIC LAW AND HUMANIZED MANAGEMENT: A NEW PARADIGM

The integration of CSF into organizational management does not represent a regression to informalism, but an advance towards a more humane, ethical and sustainable governance. She invites corporate lawyers, governance consultants, and leaders to look beyond contracts and bylaws—to the relational system that underpins them.

In this new paradigm:

- Law is no longer just reactive but preventive and restorative.
- Management is no longer just technical to become systemic and symbolic.
- The company is no longer just an asset to become a living system, with history, memory and collective soul.

Summarizing *systemic listening heals the relationship.*"

And it is precisely in the restoration of this bond — between partners, between generations, between past and future — that the true prevention of litigation lies.

5 ETHICAL AND EPISTEMOLOGICAL CHALLENGES: BETWEEN THE SCIENTIFIC AND THE SYMBOLIC

The insertion of the Systemic and Family Constellation (CSF) in the legal field represents a promising — and deeply challenging — intersection between the symbolic and the normative. While some celebrate her ability to reveal invisible dynamics and promote reconciliation, others accuse her of excessive subjectivity, lack of methodological rigor, and even pseudo-scientificity. These criticisms, while pertinent, do not invalidate the approach; on the contrary, they require a critical, ethical, and epistemologically clear position on their place and function in the justice system.

5.1 CRITIQUES OF CSF: BETWEEN SUBJECTIVITY AND THE SEARCH FOR SCIENTIFIC LEGITIMACY

The main criticism of CSF lies in its phenomenological and non-measurable nature. Unlike methods based on quantifiable evidence—such as structured mediation or economic analysis of law—CSF operates with bodily perceptions, spontaneous movements, and symbolic insights that challenge traditional criteria of scientific validation. Authors such as Fidyk (2016) and Gyimesi (2023) question the empirical basis of the central concepts of the



approach, such as "systemic consciousness" or "informational fields", considering them close to mysticism or parapsychology.

In addition, the scarcity of controlled, randomized, and replicable studies limits the acceptance of CSF in institutional settings guided by objective indicators. De Paula *et al.* (2024) recognizes this gap: although 81% of constellators report effectiveness in conflict resolution, only 35% use standardized instruments to evaluate results, and less than 10% of international studies adopt robust experimental designs.

This subjectivity, added to the absence of professional regulation, opens space for inappropriate practices, arbitrary interpretations, and even emotional manipulation — especially serious risks in judicial contexts, where there is asymmetry of power and vulnerability of the parties.

5.2 CRITICAL RESPONSE: CSF AS A PHENOMENOLOGICAL METHODOLOGY

In the face of these criticisms, it is essential to reaffirm that CSF does not propose to be a positivist science, but a phenomenological methodology — that is, a practice that seeks to access what is shown in the field of lived experience, without reducing it to isolated variables. Inspired by Husserl's phenomenology, CSF starts from a posture of "reduction": suspending judgments, theories and diagnoses to allow the system to reveal itself.

In this sense, the CSF does not replace the Law, but deepens it. While the judge judges the fact in the light of the norm, the constellator reveals the system that generated the fact. One does not invalidate the other; on the contrary, they complement each other. The court sentence can divide assets, but only the constellation can restore the belonging of a deceased brother. The law can punish the aggressor, but only symbolic recognition can interrupt the cycle of transgenerational violence.

As well summarized by Rodrigues *et al.* (2023), CSF acts in the domain of meaning, not causality. Its value is not in proving, but in revealing; not in controlling, but in welcoming. And it is precisely in this space — between the norm and the narrative, between guilt and belonging — that its transformative potential for contemporary law resides.

5.3 ETHICS IN LEGAL APPLICATION: LIMITS, RESPONSIBILITIES AND RIGHTS

The application of CSF in judicial or extrajudicial contexts requires extreme ethical rigor, especially when dealing with people in situations of conflict, pain and vulnerability. Three principles are fundamental:

1. Absolute confidentiality: everything that emerges in a constellation — memories, traumas, family secrets — must remain in the protected space of the session. Revealed



information should never be used as a procedural argument, under penalty of ethical and legal violation.

2. Informed consent: Parties must clearly understand that CSF is not therapy, nor is it a substitute for judicial process. They should know that participation is voluntary, that they can interrupt the session at any time and that the results are symbolic, not legally binding.

3. Clear boundaries between mediation and therapy: the facilitator who works in courts should not assume the role of therapist. Its focus is on the resolution of systemic conflict, not individual healing. If serious clinical issues arise (unprepared grief, post-traumatic stress disorder, etc.), the professional should refer them to appropriate psychological support.

In addition, it is crucial that the facilitator does not have institutional ties with the Judiciary that could generate a conflict of interest. Its neutrality is not only technical but existential: it serves the movement of life, not the institution.

5.4 ETHICAL PROTOCOLS FOR THE USE OF CSF IN LEGAL SETTINGS

5.4.1. Ethical protocols in practice: scope, consent, and confidentiality

The application of the CSF in the Judiciary follows strict protocols, already in use at CEJUSC-BH and in other courts:

- Scope of intervention: Restricted application to topics such as inheritance, custody, intrafamily violence, business succession and community conflicts – "never" in cases of serious crimes (homicide, sexual abuse, etc.).

- Consent: Informed consent form signed by all parties, with accessible language and clear explanation of the limits of the practice. The refusal of one of the parties does not prejudice the mediation process (Paula, 2021).

- Confidentiality: Contractual and ethical guarantee that nothing that is said or experienced will be recorded in the records or shared with third parties. Recordings and photos are prohibited (Paula, 2021).

These protocols ensure that CSF is used ethically responsibly, respecting the autonomy of the parties and the limits of the Law.

5.4.2. Proposal for new ethical protocols

Based on the findings of De Paula *et al.* (2024) and in the international literature, the following minimum ethical protocol for the application of the CSF in judicial and extrajudicial contexts is proposed:



Table 1

Ethical Guidelines Protocol for the Application of Systemic and Family Constellation Therapy

AXIS	ETHICAL GUIDELINE
Training of the facilitator	Certification in CSF recognized by a reputable institution + complementary training in mediation, professional ethics and basic law.
Scope of intervention	Restricted application to topics such as inheritance, custody, intrafamily violence, business succession and community conflicts — <i>*never*</i> in cases of serious crimes.
Assent	Informed consent form signed by all parties, with accessible language and clear explanation of the limits of the practice.
Confidentiality	Contractual and ethical guarantee that nothing that is said or experienced will be recorded in the records or shared with third parties.
Supervision	Periodic follow-up by an interdisciplinary committee (Law + Psychology + Ethics) for the evaluation of complex cases.
Impact assessment	Collection of post-session qualitative feedback, focusing on perception of fairness, clarity, and well-being — <i>*never*</i> as a judicial decision criterion.

This protocol does not seek to medicalize or judicialize CSF, but to protect the parties, the facilitator, and the integrity of the approach itself. He recognizes that while CSF operates in the realm of the symbolic, its application in institutional contexts requires concrete accountability.

5.5 PARTIAL CONCLUSION: BETWEEN RIGOUR AND OPENNESS

CSF is not a panacea, nor a threat to the rule of law. It is a sensitive social technology, which requires ethical maturity, continuous training and epistemological humility. Its value lies not in replacing legal reason, but in complementing it with the intelligence of the heart and the wisdom of systems.

CSF does not deny legal truth; it only invites the Law to listen to the human truth. And in this listening—respectful, careful, and ethical—lies the possibility of a more humane, more systemic, and more reconciling justice.

6 FUTURE OF SYSTEMIC JUSTICE: INNOVATION, TECHNOLOGY, AND INTERDISCIPLINARITY



The Systemic and Family Constellation (CSF) has already demonstrated its transformative potential in the legal field — from the mediation of family conflicts to the prevention of corporate litigation. However, its future lies not only in the consolidation of existing practices, but in the critical integration with emerging trends: digital technologies, new models of professional training, innovative public policies and interdisciplinary research agendas. It is in this horizon that the systemic justice of the twenty-first century is designed: more humane, more preventive, and more connected to the complexities of contemporary human systems.

6.1 TECHNOLOGICAL TRENDS: BETWEEN ETHICAL POSSIBILITIES AND LIMITS

The accelerated digitalization of justice — driven by the need for remote access and the growing demand for agile methods of conflict resolution — has open space for reflections on the potential for integration between the Systemic and Family Constellation (CSF) and emerging technologies, such as artificial intelligence (AI) and augmented reality (AR). However, this approach requires extreme ethical and epistemological caution, given the profoundly phenomenological and relational nature of CSF, which is based on presence, sensitive listening, and bodily perception—dimensions that resist automation.

Although the classic practice of CSF presupposes a face-to-face meeting and a "not knowing" posture on the part of the facilitator, some professionals have explored hybrid forms of application. Research by De Paula et al. (2024) records that 42% of Brazilian constellators already use digital tools — such as videoconferencing platforms, virtual whiteboards, or systemic mapping applications — especially in remote mediation contexts. These data indicate an openness to innovation, but not necessarily a validation of purely technological solutions.

Bolder proposals — such as the use of generative AI models to simulate systemic dynamics — still lack a robust empirical foundation. While it is theoretically possible to train algorithms with anonymized data from previous constellations to identify common patterns (e.g., symbolic exclusion in succession disputes), there is no evidence that machines can capture the phenomenological complexity of human bonds, such as the emotional resonance between representatives or the spontaneous movement of the body in the face of an unspoken systemic truth. More serious: algorithms trained with historical data are at high risk of reproducing structural biases related to gender, race, class, and family orientation (Benjamin, 2019), which may reinforce exclusions instead of revealing them.

Likewise, the use of augmented reality in virtual mediations — for example, to symbolically visualize the position of family members in the system — can be an auxiliary



communication tool, but it does not replace the experiential experience of the constellation. The effectiveness of CSF lies less in visual representation and more in attentive presence and openness to what emerges in the relational field — something that cannot be replicated by digital interfaces.

Therefore, any experimentation with technology in the field of systemic justice must be guided by three principles:

1. Complementarity, not substitution: digital tools should serve as a support for human listening, never as a substitute for it.
2. Critical ethical impact assessment: Before implementing any AI-based solution, it is essential to analyze its risks of bias, privacy, and dehumanization of conflict.
3. Interdisciplinary supervision: the development of these technologies should involve experienced jurists, psychologists, ethicists, and constellations, ensuring that the symbolic dimension of CSF is not reduced to data or metadata.

In short, technology can broaden the reach of systemic justice—especially in remote regions or high-demand contexts—but never its phenomenological core. The real innovation is not in digitizing the constellation, but in using technology with wisdom, humility and respect for the limits of what is essentially human.

6.2 TRAINING OF "LEGAL-SYSTEMIC FACILITATORS": HYBRID CURRICULA FOR A NEW PROFESSION

The ethical and effective application of CSF in Law requires a new professional figure: the legal-systemic facilitator — someone who masters not only the principles of the "Orders of Love", but also the legal framework, the limits of mediation and the ethics of acting in institutional environments.

This training requires hybrid curricula, which integrate:

- Law: knowledge of family law, succession, judicial mediation, restorative justice and professional ethics;
- Systemic psychology: fundamentals of family therapy, transgenerational dynamics, trauma and active listening;
- Systems theory and phenomenology: understanding of informational fields, collective consciousness and posture of "not knowing";
- Conflict management and mediation: negotiation techniques, nonviolent communication and group facilitation.

Universities and schools of magistracy could offer extension courses, specializations or interdisciplinary certifications, with joint supervision of experienced jurists, psychologists



and constellations. De Paula *et al.* (2024) reinforces this need: 78% of the constellations interviewed suggested improvement in training, with more theoretical content, clinical supervision, and integration with other approaches.

The regulation of this new function – even if not as a formal profession, but as a certified practice – would be essential to ensure quality, ethics and institutional legitimacy.

6.3 PUBLIC POLICIES: FROM THE PERIPHERY TO THE CENTER OF THE JUSTICE SYSTEM

The inclusion of CSF in public policies represents a decisive step towards its consolidation as a tool for social justice. It is proposed to integrate them on three strategic fronts:

1. Community justice: Restorative justice programs in urban peripheries, rural communities, and indigenous territories could incorporate CSF sessions as a complementary step to mediation, especially in cases of intrafamily violence, neighborhood conflicts, or inheritance disputes. The systems approach is particularly suited to contexts where community and ancestral ties are central.
2. Law schools: electives or legal practice centers could introduce CSF as part of alternative conflict resolution (ADR) education. Future lawyers, judges, and prosecutors would learn to identify systemic patterns in their clients, avoiding legal solutions that resolve the symptom but perpetuate the conflict.
3. Family Courts: specialized centers could offer CSF sessions as a free public service, with the consent of the parties and ethical oversight. Pilot studies in courts in Minas Gerais and São Paulo have already shown a reduction in procedural indentations by up to 60% after the application of the constellation (Rodrigues et al., 2023).

These initiatives would not replace the legal system, but would humanize it, aligning with the Sustainable Development Goals (SDG 16: peace, justice and effective institutions).

6.4 RESEARCH AGENDA: TOWARDS A SCIENCE OF SYSTEMIC JUSTICE

To overcome criticisms of subjectivity and pseudo-scientificity, it is urgent to build a robust research agenda, with the following axes:

- Longitudinal studies: follow families or business teams for 2 to 5 years after a constellation, measuring indicators such as process recurrence, engagement, organizational climate, and subjective well-being.
- Hybrid impact indicators: combine qualitative data (reports, interviews) with objective metrics (rate of approved agreements, reduction of procedural costs, NPS of



satisfaction with justice). To this end, we propose the development of a Systemic Equilibrium Index (HEI), based on the *EX/IS.pers* questionnaire (Hunger et al., 2017), adapted for legal contexts.

- Validation in multicultural contexts: CSF was developed in a Western, individualistic, and Christian culture. Research in Afro-Brazilian, indigenous, Asian, or Arab contexts is essential to test its applicability, adapt its principles, and avoid epistemological colonialism. The study by Pritzker & Duncan (2019) in China and Mexico already points to the need for cultural rereadings of the concepts of "belonging" and "order".

- Neuroscience and epigenetics: investigating, through magnetic resonance imaging or stress biomarkers, the physiological effects of a constellation — for example, whether symbolic recognition of an excluded ancestor reduces cortisol levels in descendants.

This agenda does not seek to "prove" CSF as a positivist science, but to validate its effectiveness in real contexts, with rigorous methods and respect for its phenomenological nature.

6.5 PARTIAL CONCLUSION: A JUSTICE THAT HEALS

The future of systemic justice is not utopian, but possible, necessary and already underway. It requires courage to innovate, humility to recognize limits, and commitment to interdisciplinarity. CSF, when integrated with ethics, science, and technology, can help the Law fulfill its deepest mission: not only to judge, but to reconcile; not only to punish, but to recognize; not just to share, but to belong.

Considering that "legal truth is one, but human truth is multiple", the systemic justice of the future will be the one capable of embracing both.

7 CONCLUSION: FOR A JUSTICE THAT RECOGNIZES, INCLUDES AND RECONCILES

Throughout this chapter, we follow a path that goes from systemic diagnosis to the future of humanized justice. We start from the recognition that Law, in its traditional form, often resolves the symptom, but leaves intact the root of the conflict — the one that feeds on unrecognized exclusions, invisible loyalties, and transgenerational wounds. The Systemic and Family Constellation (CSF) emerges, then, not as a magical or spiritualized solution, but as a sensible social technology, capable of revealing what formal law often silences: the relational system behind litigation.

It is essential to reaffirm that the CSF does not replace the norm, nor does it deny the importance of legality, impartiality or legal certainty. On the contrary: it deepens the Law, inviting judges, lawyers, mediators and legislators to see beyond the isolated fact, to the



systemic dynamics that sustain it. When an heir self-sabotages, it may reflect an unconscious loyalty to an excluded ancestor; When a victim returns to a cycle of violence, they may be repeating an unresolved fate; And when partners become enemies, they often reproduce imbalances of belonging, order, or exchange — systemic principles as relevant to understanding the conflict as the legal provisions that regulate them.

However, this systemic reading requires critical care. The concepts of "order" and "belonging", as formulated by Hellinger, emerge from a Eurocentric, nuclear and patriarchal family vision. Applied uncritically, they can strengthen oppressive structures or naturalize inequalities. In contexts of domestic violence, for example, the notion of "systemic reconciliation" is only ethically appropriate if integrated with a gender justice perspective, with protocols that prioritize the victim's safety and avoid any form of revictimization. Similarly, in indigenous, Afro-Brazilian, or quilombola communities, CSF principles must be reinterpreted in the light of local cosmologies, avoiding colonial impositions of family models and justice.

In this sense, what we propose here is not a "Systemic Law" as a new independent branch, but a methodological and ethical approach that integrates phenomenological-systemic insights into legal practice, without replacing positive law. It is a movement of relational awareness, which allows the legal operator to identify symbolic exclusions, unconscious loyalties, and structural imbalances — and thus promote solutions that respect not only legality, but also systemic justice: one that honors the past, welcomes the present, and paves the way for a reconciled future.

This integration requires, however, ethical rigor, interdisciplinary training and epistemological humility. CSF only becomes legitimate in the legal field when applied with clear protocols, informed consent, strict confidentiality, and interdisciplinary oversight. It is not a matter of "curing" the system with symbolic gestures, but of creating conditions for the parties themselves to recognize hidden dynamics and take responsibility for new paths.

The final vision we seek is that of a more humane legal system — capable not only of judging, but of reconciling; not only to divide goods, but to symbolically reintegrate those historically excluded; not only to punish, but to interrupt tragic reproduction cycles. As George Santayana warned, "those who cannot remember the past are doomed to repeat it." A CSF, in this sense, functions as an instrument of critical relational memory, which does not erase the past, but integrates it — as long as this integration is done with sensitivity to historical inequalities, structural violence, and cultural diversities.

This chapter reinforces the central thesis that CSF is a social innovation technology with high potential for transformation in the Judiciary. Its responsible integration — anchored



in empirical evidence, ethical protocols, and critical dialogue with other traditions of legal thought — offers a path to a more sensitive, relational, and truly just law.

May the Law of the twenty-first century have the courage to listen not only to the laws, but also to the systems; not only the records, but also the lived, marginalized and resistant stories. Because, in the end, no sentence is fully fair if it does not honor the belonging of everyone — especially those historically excluded.

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