Evaluating Victims Experiences in Restorative Justice

Article · October 2008

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Evaluating Victims Experiences in Restorative Justice[1]

Antony Pemberton, Frans-Willem Winkel and Marc S. Groenhuijsen

2008

In: British Journal of Community Justice, 6 (2), 98-119.

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Abstract

Although restorative justice is often presented as a victim-oriented reform of criminal justice procedures, there is a relative dearth of research and theory into the experiences of victims within restorative justice. Recently Heather Strang, Lawrence Sherman and their associates started develop theory and research that attempts to fill this relative void. This article is an attempt to contribute to the further understanding of the effects of restorative justice conferencing on victims. Taking Strang and Sherman's work as a starting point, it discussed various issues relating to research and theory of victims within restorative justice.

First of all there is the need to pay more attention to victim variety within research into restorative justice. Needs, opinions and traits of victims differ from one victim to the next and one situation to the next. Generalized needs therefore must be qualified. Secondly the comparison between criminal justice and restorative justice is complicated. The independent effect of the criminal justice system on victims makes it difficult to use it as the control group for restorative justice conferences. In addition it is difficult to discern the working element of restorative justice conferences: why do restorative justice conferences outperform criminal justice procedures?

Emotional restoration finally is maybe the most important issue concerning victims in restorative justice. Using two central victim reactions to crime, anxiety and anger and drawing on psychological theory and practice concerning victims outside of the criminal justice system the article develops a theoretical base for understanding victims emotional reactions within restorative justice.

Introduction: victims and restorative justice

There seems to be little doubt that restorative justice is in the interest of victims of crime. In academic textbooks the two are often paired.[3] Legislation concerning restorative justice pays homage to the plight and position of victims of crime.[4] As repairing the harm caused by crime is central to restorative justice, assisting victims in their recovery is considered to be a core element.[5]

In contrast though, theoretical work and evaluation research concerning victims of crime is scarce. As Dignan (2005) points out, the three main intellectual traditions underlying restorative justice are quite ambivalent to the plight and position of victims of crime. Neither the civilization theses championed by Hulsman, Bianchi and Mathiesen, the communitarian theories, most famously advocated by Christie in 'Conflicts as property' or the moral-discourse theories, like Braithwaites reintegrative shaming theory, are aimed at achieving direct benefits for victims of crime.[6] Any added value for victims is a by-product.

Repair or revenge?

The most developed view on victims in restorative justice has been put forward by Heather Strang in her research into the RISE-projects in Australia and subsequently developed by Strang, Lawrence Sherman and their associates in a number of publications (see Strang, 2002, Strang and Sherman, 2003, Sherman, Strang et al, 2005, Strang, Sherman et al, 2006). Central in their view is a set of victim needs, derived from research which highlighted the satisfaction and in particular the dissatisfaction of victims with the criminal system. First of all there are a number of process-related needs (Strang, 2002):

- Victims want a less formal process where their views count;
- Victims want more information about both the processing and outcome of their cases;
- Victims want to be treated respectfully and fairly;
- Victims want to participate in their cases.

Second there are a number of outcome related needs:

- Victims want material restoration;
- Victims want emotional restoration, including an apology.

Strang (2002) suggested that restorative justice addresses these needs and would outperform the criminal justice procedures on most if not all these counts. Using this as a starting point Strang, Sherman and their colleagues undertook some of the most methodologically rigorous

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3 See Zedner, 2002, Dignan, 2005 and Goodey, 2005.
4 See f.e the Council of Europe recommendation on mediation and the draft UN basis principles on restorative justice.
5 See Daly, 2006, for an overview of the core elements of restorative justice.
6 See Dignan, 2005, Christie, 1977 and Braithwaite, 1989 for a discussion of these intellectual traditions.

testing of restorative justice, in various sites across Australia (the Reintegrative Shaming Experiments or RISE) and the United Kingdom. Utilizing randomized controlled trials (RCT's) they compared victims' experiences within restorative justice and criminal justice.[7] On most, if not all, factors the restorative justice conditions outperformed the criminal justice conditions. Victims felt more involved and satisfied and less fearful and angry after a restorative justice conference compared to their experience within the criminal justice system.

These results are promising, as they show real benefits for participating victims in comparison to those afforded by the criminal justice system. However as Strang et al (2005) themselves point out research into restorative justice will remain work in progress and is very much open to its own improvement through better knowledge of its consequences. Contributing to this endeavour is the focus of this article. A number of issues are discussed, relating to Strang and Sherman's work, which have bearing on theory and/ or evaluation research into victims of crime. First there are two general points. These relate to differences between individual victims and the difficulties associated with the comparison of restorative justice and criminal justice 'paradigms'. Second the needs Strang attributed to victims are discussed. This will not amount to a challenge of the general accuracy of these needs or the results of restorative justice in meeting these needs. Instead it will be shown that the relationship between victims and these needs and the extent to which restorative justice can be expected to meet these needs is less straightforward than Strang's initial list implies.

Victim variety

First of all victims vary and so do there needs. This is not just stating the obvious. In fact Young (2002) criticized restorative justice literature for using too homogenous conceptions of victims, followed by generalized, sweeping statements about the beneficial effects of restorative justice for all victims.

Victims' psychological reactions to crime are the result of three sets of factors. Not only the differences in the crimes experienced are important, but also victims' experiences in the aftermath of crime and factors associated with victims' personality factors (see Winkel, 2002, Ozer, Best, Lipsey & Weiss, 2003). In the first place this means that the six features of what victims want (see above) should be qualified as the extent and sometimes even the direction of what individual victims want is dependent on the interplay of the triple set of factors. For example Strang (2002) asserts that victims are not as vengeful as often is thought. This is born out for most victims or for the average victim, but, as research into trait vengefulness shows there are people who are simply more prone to wanting revenge than others (McCullough. Bellah, Kilpatrick and Johnson, 2001). Similarly the chance people will forgive wrongdoers is also related to their innate trait

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7 In the RCT's the offenders where divided at random across court and conference conditions.

capacity for forgiveness (McCullough et al, 2001). In the section on emotional restoration these features will be discussed more extensively, but the relevance here is the importance of assessing these and other traits among victims. In particular doing so could shed light on the differences in victims' reactions to restorative justice procedures.

Allowing for personality and individual differences may also impact the research question in comparisons between criminal justice and restorative justice. In Strang and Sherman's research the question is which system or paradigm outperforms the other. Introducing individual differences effects this, as it could be that it is more relevant to ascertain what the best fitting option is, depending on the characteristics of the victim, the offender, and the crime committed. Instead of asking ourselves if restorative justice should be preferred to criminal justice, we could ask ourselves under what circumstances restorative justice is better suited and under what circumstances criminal justice or some combination of the two. A variant of this is the question what features of restorative justice are most effective for which situation.

The comparison of restorative justice with criminal justice

As mentioned above, in restorative justice literature there is a tendency to compare restorative justice procedures with the 'traditional' criminal justice system, with the ultimate goal of seeing which system achieves the most favorable results. Underlying this tendency is a strong sense that restorative justice is a different paradigm or lens for viewing crime and conflict (Zehr, 1990). Strang and Sherman state in their discussion of the shortcomings of the criminal justice system that 'It seems unlikely that the needs and preferences of victims will be well met by piecemeal reforms. It seems more likely that a new paradigm of justice is required to transform the values and jurisprudence of criminal justice to include victims as stakeholders equal to offenders and the community.' (Strang and Sherman, 2003, p.25).

There are a number of issues, related to this 'clash of the paradigms', which are relevant to the evaluation of victim experiences in restorative justice procedures. The two most important relate to the variety within criminal justice systems in space and time and the multiple simultaneous differences between restorative justice and traditional criminal justice, in particular when restorative justice is implemented as a replacement.

A myriad of criminal justice systems
Asserting that restorative justice processes vary is stating the obvious. A lot of time at academic conferences on restorative justice is devoted to the discussion of what the definition is and restorative justice procedures and techniques are used in a variety of ways and different situations, many of which lie outside the domain of criminal law.

Traditional penal systems also vary, from one jurisdiction to another, but also within jurisdictions.

The most common example of variety between jurisdictions is the difference between inquisitorial and adversarial systems, while the difference between adult and juvenile systems is the most obvious example of variety within jurisdictions (see f. e. Cavadino and Dignan, 2005). These differences also effect the position of victims within these penal systems. Strang's portrayal of victims as 'being effectively silenced by a system that relegates them to witnesses subject to strict evidentiary rules', only bears resemblance to the situation of victims with in the Anglo-Saxon common law world.[8] In continental Europe, in contrast, victims can and do play additional roles. Examples of these additional procedural possibilities are the adhesion procedure or the role of private prosecutor.[9]

The position of victims within the criminal justice system not only varies in space but also in time. The criticism levelled at the position of victims in the 1980's, for example in Shapland, Wilmore and Duff (1985)'s much-cited study, has led to changes in the position of victims and the way they are treated. Strang (2002) refers to the victim impact statements, but the changes are not restricted to these measures and have had general bearing on the way that police and prosecution approach victims. In particular the amount of information given to and received from victims has increased, the way they are questioned has improved and the same is true about their possibilities for compensation. Again this varies from one country to another.[10]

The point here is not necessarily that differences between and changes within criminal justice systems may complicate a blanket comparison of restorative justice to criminal justice, although the strong Anglo-Saxon slant in evaluation research of victim experiences does pose some problems for a direct translation of the results to other systems. Rather it is important to consider that current criminal justice practices are not neutral 'waiting list' conditions. In the testing of medical instruments, to which Strang and Sherman themselves compare the RCT's they conducted, it is not common that two medicines are compared to each other directly, at least not without the inclusion of a group of participants who do not receive treatment at all. This is due to the problems that a direct comparison causes for the interpretation of the results. Does medicine A perform significantly better than medicine B and should A therefore be prescribed rather than B or does medicine B is a significantly worse option than A, and should B therefore definitely not be prescribed?

The relevance of this is that criminal justice, as Strang and Sherman themselves discuss at length, may have negative effects on victims (Strang, 2002 and Strang and Sherman, 2003). It is no coincidence that the term 'secondary victimization' was coined to describe victims' experiences within the criminal justice system (see also Orth, 2002). Of course, this last feature only strengthens the argument for restorative justice as a preferred alternative to criminal justice, but the own unique effect of the criminal justice system could change the conclusion from

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8 See Strang, 2002, p.9-10.
9 See Brienen and Hoegen, 2000 for more examples.
10 See Brienen and Hoegen, 2000 for an extensive discussion of the situation at the turn of the century in 22 European Jurisdictions.

restorative justice being a better alternative to restorative justice being not as harmful as the criminal justice system. This feature makes the comparison with other measures outside of the criminal justice system with overlapping goals, f. e. victim support or counselling, difficult. The way out of this is to introduce a 'real' waiting list condition, i.e. a condition in which victims do not take part in either restorative or criminal justice proceedings. This is a hardly a hypothetical situation. The typical experience of victims in reality is not the criminal justice process and definitely not the sentencing stages of this procedure, but no justice involvement at all (Fattah, 1997).

RJ versus CJ: many differences at the same time
Restorative justice procedures differ on various dimensions from the criminal justice system. Some of these dimensions are directly related to the proposed paradigmatic differences between restorative and criminal justice. Within restorative justice crime is viewed as a conflict between individuals rather than a violation against the state and the central goal of restorative justice is to repair harm and reconcile individuals rather than to assign guilt and blame and punish wrongdoers.[11] However, like von Hirsch, Ashworth and Shearing (2003) observe, there are also a number of dimensions that are not inherent to the paradigms. The most obvious is the far larger amount of time and attention given to the participants in a restorative justice conference than is normally the case within the criminal justice system. In addition a number of practical differences do not require restorative justice to replace criminal justice. The face-to-face meeting between victims and offenders, the discussion of the event and the subsequent apology are all possible when restorative justice conferences are held in addition to criminal justice proceedings or even when the meeting has no implications at all for the criminal justice process. An important question is then which of these dimensions account for the advantageous results of restorative justice in the RCT-s that Strang, Sherman and associates conducted. Are these advantages caused by paradigm-related features or by non-paradigm related features?[12] How important are the essential restorative justice features of conferencing and mediation?

A relevant result in this context is found by Strang, Sherman and associates (2006) themselves. They conducted RCT's in four different situations, focusing again on a comparison between the restorative justice condition with the criminal justice system. They found compelling evidence for the benefits of restorative justice over criminal justice. In all four situations restorative justice conditions outperformed the normal criminal justice procedures.

In three of the RCT's the restorative justice conferences were held in addition to the criminal justice procedure, not as a replacement, where one (the original RISE-project in Australia) did implement restorative justice as a replacement of the normal criminal justice procedure. An interesting finding was that the results for all four situations where similar. That is: the RCT's where the restorative justice procedure was an additional measure obtained the same results as

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11 These and other differences are highlighted by many authors, see f.e. Zehr, 1990.
12 A similar point is made by Hayes and Daly (2003) concerning offenders.

the RCT where it was a replacement. This can be interpreted as proof or indication of the general superiority of restorative justice procedures in different situations, which is the way Strang et al (2006) see it, but an alternative interpretation is also possible. It appears that it does not have an added advantage to implement RJ as an alternative rather than as an additional measure, which is what would be predicted by a completely paradigmatic explanation of the benefits of participating in an RJ-conference.

In general, the argument for 'RJ as the preferred paradigm' would be greatly enhanced if it could be shown that the necessarily paradigmatic features of restorative justice significantly contribute to the benefits of participation in restorative justice. In other words, there is a need to isolate the 'working elements' of restorative justice. Experiments could be devised in which aspects of restorative justice conferences are manipulated. Schweizer (2006) is an example of this type of research.

Another avenue is a trial including a condition that has the non-paradigmatic features of a restorative justice conference, but not the paradigmatic features. This would entail testing what the effects are of facilitated meetings between victims and offenders, in which they discuss the causes and consequences of the crime, without these meetings having any consequences for the criminal justice procedure. As will be discussed in the section on emotional restoration the observed results concerning victims, like the effects on anxiety or anger could be explained, by the social-psychological dynamics of this meeting alone.

The Question of Participation

Of the typically process-related features (respectful treatment, information and participation) the first two are rather straightforward. There is not much discussion about the fact that, given the choice, victims will prefer to be treated in a manner that respects their situation and will prefer receive sufficient and timely information concerning their case, if they so desire.

Participation is a more complicated concept. The fact that victims feel they are lacking sufficient participation in their case as it progresses through the criminal justice system leads to the obvious conclusion that they would prefer a higher level of participation then is currently available, but not that ever more participation is always in victims' interests.

The benefits of increased participation from a procedural justice perspective (see Tyler, 1990 or Röhl, 1997) should be offset against the psychological stress that may accompany this increased participation (Orth, 2002). This is most obvious in the situation of victims 'participating' as interrogated witnesses (Herman, 2003), but also in more victim-friendly forms of participation this factor should be taken into account. As we will argue in the section on emotional restoration a face-to-face meeting with the offender can offer real benefits for victims, but may also pose risks, depending on the behavior of the offender and the reasons for committing the crime. For certain

types of severe harassment, like stalking (see Mullen, Pathé and Purcell, 2000) direct contact with the offender must be undertaken with extreme caution, because of the stress that seeing the offender can cause victims.

The preferred level of participation

Aside from the structure of the participation and the stress that may accompany it, it is an open question what the preferred level of participation of victims is. Edwards (2004), for example, cites Arnstein (1971), who describes a ladder of eight levels of participation.[13] Are victims increasingly satisfied as they gain a higher level of participation? Or is there an optimum point a long the way that is preferable to positions further up the ladder of participation?[14] Bear in mind that the highest rungs –decision power and citizen control- not only allow for more participation and control of the situation, but also have an added burden of responsibility. Furthermore victims may not necessarily view processes as having a higher degree of fairness if they are allowed to have a higher degree of control, as they may deem it fairer for someone who has a less biased view of the situation to make the decision in their case. This also relates to the question of the 'working element' in restorative justice. If victims really view crime in private terms, viewing crime as conflict that is rightly theirs and has been stolen by the criminal justice system, as Christie (1977) implied, we would expect their level of desired participation to be high. Decision power would be their preferred level of participation.

This does not seem to be the case. Research by Wemmers and Cyr (2004) showed that given the choice victims prefer the situation where they are allowed input in the process, in the sense of having their say, but generally prefer decision-making power in their cases to reside elsewhere.

Again individual circumstances will impact the preferred level of participation. Within Wemmers and Cyr (2004)'s research subjects, there were those who would prefer decision power. Determining the influence of participation on the evaluation of restorative justice procedures then should include matching the victims' preferences with the degree of participation allotted to them.

Outcomes: Material restoration

Compensation of losses is also a complicated matter. Strang (2002) includes this as an outcome measure, but wonders whether this is in fact appropriate as victims may prefer compensation of a symbolic nature to full material compensation. Similarly she quotes Braithwaite who asserts that 'some victims will prefer mercy to insisting on getting their money back; indeed it may be that act of grace which gives them a spiritual restoration that is critical for them'.[15] Furthermore the comparison between criminal justice and restorative justice on this issue neglects the possibility

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13 Respectively: manipulation, therapy, information, consultation, placation, partnership, delegated power and citizen control.
14 Strang, 2002 in fact addresses this issue as well.
15 Strang, 2002, p.54, Braithwaite, 1999, p.20.

that participation in restorative justice procedures may change victims' preferences in receiving compensation.

As repeatedly stated most of victims wishes and needs will at least part be influenced by personal characteristics of victims. This is also the case for the issue of material restoration. It stands to reason that the extent of the damage, also in relation to the victim's income and the possibilities to obtain compensation from other sources will influence the victims need to full compensation from the offender. In addition their needs will be modified by their assessment of the possibilities the offender has to reimburse them. In this sense restorative justice procedures may well influence victims' preferences merely by the more realistic picture they provide of the offenders solvability.

A possible important factor is the type of crime the victim has suffered. In particular victims of property crime may differ from victims of violent crime. This is illustrated by the differences in reasons for reporting the crime in the first place. Wittebrood found that 70% property crime victims reported the crime to retrieve the lost or stolen materials, be compensated for damages or for insurance purposes (see Wittebrood, 2006). For victims of violent crime this percentage is understandably much lower. For this group of victims other reasons, for example 'I felt the offender should be punished' and 'I felt the severity of the offence merited reporting to the police' were more important. The relevance of material restoration may vary according to the stated reasons for reporting crime.

Braithwaite is quite right that forgiving the offender is in the victims own interest as the section on emotional restoration will show. However, where it may well be true that certain victims experience the act of foregoing full compensation as a cathartic act of forgiveness, it seems equally likely that for other victims receiving (full) compensation may in fact be a prerequisite for forgiveness. Victims may feel that it is unjust to forgive the offender before he has repaid the damage (see Karremans & van Lange, 2005). Lacking full compensation may make it more difficult to believe the apology the offender may offer, as the victim may feel it is just talk (see Duff, 2003 as well). As the most important defining feature of the positive effect of an apology is the extent to which the victim finds it sincere and believable, lacking compensation may amount to barrier for forgiveness. In any case, comparable to the discussion of participation, victims' preferences concerning material restoration is a necessary element of an explanation of the effect of material restoration on evaluation of restorative justice procedures.

Outcomes: Emotional restoration

Maybe the most important feature of a restorative justice conference for victims is the possibilities of emotional restoration that it offers. In their most recent studies Strang and Sherman and associates have emphasized this matter and offered more theoretical elaboration of the proposed

benefits. In their theoretical approach they draw on two bodies of research. The first is psychological, concerning cognitive theories of post-traumatic stress disorder (PTSD). Sherman, Strang et al (2005) use this body of research to explain the effect of restorative justice on the victims fear of the offender. The second is sociological. Randall Collins' theory of interaction ritual chains is applied to victims' experiences within restorative justice conferences (see Collins, 2004). The interaction ritual theory is used, amongst others, to explain the effect of restorative justice procedures on victims' anger (see Sherman, Strang et al, 2005 for further elaboration).

In a recent article Pemberton, Winkel and Groenhuijsen (2006) have sought to explain victims experiences within restorative justice using solely psychological concepts. Pemberton et al (2006) derive their theory from two dominant victim reactions to crime: anxiety and anger. The remainder of this paragraph discusses this approach, contrasting it at various points with Strang and Sherman's theoretical framework.

Control, attributions, PTSD

Posttraumatic stress is a common reaction to traumatic events like assaults or severe accidents. In the aftermath of crime many victims experience at least some of the following symptoms: re-experiencing the event, repeated and unwanted intrusive thoughts, hyper-arousal, emotional numbing and avoidance of stimuli which could serve as reminders of the traumatic experience. Most people recover within the first weeks or months after the crime, but a sizable minority of victims goes on to develop post-traumatic stress disorder (PTSD). Then these symptoms occur over a longer period of time, sometimes even years, meaning that the victims that suffer from PTSD have their social and occupational function severely impaired (Ehlers and Clark, 2000). Counselling, treatment and therapy for victims of crime therefore focuses on the prevention or cure of PTSD.

Two features of the theorizing surrounding PTSD are particularly relevant to explanations of victims' experiences within restorative justice. These subjects are perceived control over the event and attributions concerning the cause of the crime.

The relevance of perceived control

Theories regarding the role of perceived control in adjustment to stressful life events typically hypothesized that events perceived to be uncontrollable are more distressing than those that are controllable (Foa, Zinbarg, & Rothbaum, 1992). In these models the perceived lack of controllability is a risk factor for the development of PTSD. Conversely, the more controllable an event is for the victim, the more likely it is he or she will not develop PTSD. However Frazier, Berman, and Steward (2002) showed that control is a more complex construct. The relationship between control and stressful life events and PTSD is moderated by the temporal dimension of control.[16]

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16 See Brickman et al, 1982 and Zimbardo and Boyd, 1999, for a discussion of the temporal model and Frazier, 2003 and Frazier

The temporal model divides control into past control (Could I have prevented this from happening), future control (Can I keep this from happening again) and present control (what can I do about the situation now).The different types of control influence the extent to which control is adaptive. They are not correlated with each other, meaning it is possible for victims to feel confident about their ability to cope with the present situation, without thinking they could have prevented the crime from happening. Frazier (2003) shows that it is most adaptive to focus on aspects of an event that are controllable at this moment. Victims who state 'I am confident that I will get over this if I just work at it' or 'I have taken steps to protect myself since the assault' show better recovery results than those who disagree with these statements. A first relevant element about participation in restorative justice procedures is that mere participation may be viewed as a possibility for asserting a sense of present control. Through its voluntary nature participation in restorative justice procedures the victim may view participation as a step they can take to prevent the reoccurrence of crime.

Future control is a more complicated matter, as control over future reoccurrence is moderated by beliefs concerning the likelihood of reoccurrence. Victims, who think the crime is not likely to happen again and feel confident about their ability to control it if it did reoccur, fare better than those who do not. Again this feature is relevant for restorative justice procedures. Participation in restorative justice procedures seems to influence victims' assessment of the chance of the reoccurrence of the crime (see Strang, 2002).

The most complicated matter is the issue of past-control. The question –could the event have been prevented- can also be conceptualized in terms of attributions about the cause of a trauma. A first distinction within these attributions is whether they are focused on the offender, which in the terms of the temporal model is called 'vicarious' past control or the victim him or herself.

Within the self-focused attributions an important division is Janoff-Bulman's distinction between characterological self-blame (CSB) and behavioural self-blame (BSB) (Janoff-Bulman 1979 and 1992). Within CSB the victim attributes the victimization to uncontrollable aspects of the self, like character, race, gender or sexual orientation. These are matters over which the victim has no control. CSB is associated with PTSD and other trauma-related mental health problems, with the victim having cognitions like 'I attract disaster' or 'Everyone can see I am a victim' (Ehlers and Clark, 2000).

BSB, on the other hand, refers to the extent to which the victim attributes the crime to controllable aspects of the self, like conduct or behaviour. Janoff-Bulman assumed that BSB would be adaptive for victims. Assigning the causes of the event to features of the self that may be changed would allow victims to feel confident they could control and prevent the reoccurrence of similar events and would give them a sense of present control.

This line of reasoning has strong intuitive appeal, but is not born out by recent research (Frazier et al, 2002). BSB may be more adaptive than CSB, but also gives rise to counterfactual thinking

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et al, 2004 for further empirical testing of the model.

(Roese, 1997). The victim may focus on 'what if'-questions. 'What if I hadn't gone out that night, what if I had resisted more', and the like. This kind of emphasis on the past and attempts to control it, does not give clues to adaptive behaviour in the present. Rather it means that the victim's attention is focused elsewhere. In other words behavioural self-blame does not necessarily lead to present-control. In sum: the results show both types of self-focused past control to be associated with poorer coping in the present, with CSB having added disadvantages over BSB.

In essence there are three ways the victim may view the offender of a crime. First of all victims may over-generalise the event and as consequence perceive a range of normal events as more dangerous than they are (Ehlers and Clark, 2000). In this mind-frame the offender is part of a large group of offenders who together make the world a dangerous place, make the probability of future victimization high and make the victim feel like nowhere is safe. For coping with the consequences of crime this first kind of attribution is the least adaptive. It incites fear in the victim and prolongs the negative consequences of victimization as the victim avoids similar situations to the one in which the crime took place and withdraws from previously liked activities. This type of overgeneralization is associated with the onset of PTSD.

In the second and third set of attributions the victim doesn't see the world as a place filled with evil offenders, but attributes the victimization to either the individual offender's character or to his behaviour, i.e. 'the offender is a bad person' in the second set and 'the offender did a bad thing' in the third. Frazier (2003) showed that the second set of attributions is associated with higher levels of distress in victims. In the section on anger it will be shown that the third set of attributions can be assumed to be the most adaptive of the attributions of 'vicarious past control'.

The relevance to restorative justice

The link between the previously described body of research and restorative justice procedures lies in the possibilities these procedures offer for clarification of the causes of the crime. The offender is in a unique position to confirm or disaffirm the victim's attributions concerning what happened. Sherman and Strang et al (2005) state 'victims almost always seem reassured when the offender say they did not target the victim for any particular reason, when the crime occurred as an almost random intersection of offender and victim in time and space' (p.369). In other words the offender's story may have effects on the victim's self-focused attributions. The account may assure the victim that he or she is not uniquely vulnerable, as the offender may not have targeted the victim for any special reason, and as a consequence lead to lower levels of CSB. Furthermore, a better understanding of the causes of the crime, can release the victim from the burden of ruminating about 'what if'-questions, which will lead to lower levels of BSB. This may help the victim to focus more on present coping as well as having the added benefit of providing insight into the prevention of repeats in the future. However this line of reasoning depends to a large extent on the offender's actual motivation. If, for example, the crime was hate-motivated, the

offender's account seems more likely to reinforce than reduce CSB and if the crime was explicitly motivated by the victim's behaviour (for example, the victim was drunk or left the door unlocked) it could lead to more rather than less BSB.

Similarly with the offender focused attributions, meeting the offender and hearing an account in a restorative justice conference may allow victims to move from over generalising the crime (the world is a dangerous place) to the second and third set of assumptions. Like Sherman and Strang et al (2005) point out 'a RJ-conference has all the elements necessary for de-conditioning the fearful associations in victims' recalling of the event.' Hearing the offenders' reasons for the crime may convince the victim that the offender is not basically a bad person and is sincerely sorry for the harm caused by the crime. But again this depends on the actual reasons the offender may have had for committing the crime. Pemberton et al (2006) describe the case of a burglary that caused the victim additional harm due to the fact that the original occupant had passed away shortly before the crime. The victim, the deceased person's partner, felt that their apartment had been targeted due to the fact that the burglar knew about this. This increased her anxiety as she saw this as a sign that the offender was sufficiently evil to perpetrate a crime against people who are stricken with grief. A restorative justice conference could then decrease her anxiety. Offenders normally burgle apartments based on no more information than that they are accessible and empty and the offender could assure here that he had not intended the additional harm caused by her partners recent demise. However there are also offenders that do use additional information. If the offender for example knew the apartment was empty because he heard or read about the death the victim's suspicions will be confirmed rather than disaffirmed.

In conclusion there are four avenues through which restorative justice procedures could impact victims' anxiety. First participation in restorative justice may be seen as an instance of present control. It may be an avenue for a victim to assert a sense of control over his or her recovery process. Secondly the effects of restorative justice procedures on anxiety could be caused by the effects participation has on future control. In particular victims assessment of the chance of reoccurrence seems to be influenced by meeting the offender in a restorative justice procedure. Thirdly the offender's stated motivation may impact victims self-focused attributions. This impact does not necessarily have to be positive. Where the offender targeted the victim for reasons associated with the victim's character or behavior the effect may well be increased rather than decreased anxiety. Finally the same observation holds for the effect on offender-focused attributions. Meeting the offender may well allow the victim to stop over-generalizing the event or to attribute the crime to the offender's behavior rather than his character. However, the offender's stated motivation may also confirm the victims' initial fears.

Anger: rumination, forgiveness and apologies
The perception that one has been treated disrespectfully or insulted is the most common source

of anger (Miller, 2001). Fitzgibbons (1986) defines anger as a strong feeling of displeasure aroused by a sense of injury or wrong. It follows that anger is a common response to criminal victimization as this at least involves disrespectful treatment. Surprisingly though, research concerning anger after victimization is scarce, definitely when compared to the abundance of fear of crime and post-traumatic stress literature (et al, 2002 and Goodey, 2005). In one of the exceptions Jason Ditton and colleagues found that victims typically more often reacted with anger than with fear toward victimization (Ditton et al 1999a and 1999b).

A construct that has emerged recently combines anger with rumination, which involves a repetitious dwelling on the negative things in one's life. According to Sukhodolsky et al. (2001) anger rumination can be defined "as unintentional and recurrent cognitive processes that emerge during and continue after an episode of anger experience". Sukhodolsky et al propose a four factor model of anger rumination that consists of angry afterthoughts, angry memories, revenge fantasies and understanding of causes. The afterthoughts involve the victim maintaining thoughts about or re-enacting the episode of anger. Angry memories involve the individual constantly dwelling over the experienced injustice. In the revenge fantasies the victim will dream or fantasize about how to retaliate against the perceived transgressor. Finally the sub-scale of understanding of causes is concerned with people who dwell on the reasons they were treated badly and the reasons why this happened.

There are two reasons why anger rumination is relevant for the understanding of victims' experiences in restorative justice. First: because of the negative correlations between anger rumination and forgiveness (Barber et al, 2005). Anger rumination can act as barrier for forgiveness. Enhancing forgiveness may on the other hand release victims from the burden of the unwanted and intrusive angry feelings and thoughts associated with anger rumination. As is shown in the following section, forgiveness, in an intra-psychic sense, is particularly relevant to victim experiences in restorative justice.

Secondly anger rumination has interesting parallels to various features of the temporal model of control discussed in the previous section. In particular, the unwanted and intrusive thoughts concerning the event, counterfactual thinking and the desire to control the past, are similar. The inclusion of anger rumination in the temporal model of perceived control allows the combination of victims' experiences of anger and fear into one general psychological model of reactions to victimization.

Forgiveness

Forgiveness, in a psychological sense, can be defined as a willingness to abandon one's right to resentment, negative judgement and indifferent behaviour toward the offender, while fostering the undeserved qualities of compassion and generosity to him or her (Exline and Baumeister, 2000). Put more simply the three words 'I forgive you' express three separate things:

> 1   I have suffered harm or injury.

2 You are the source of that harm or injury.

3 But I am choosing to release you from your debt to me.

Forgiveness may be confused with a number of closely related constructs. It is different from excusing, which supposes that the offender had good reason to commit the offence, from condoning, which implies justifying the offence, or reconciliation, which implies restoring a relationship (Exline and Baumeister, 2000). This last differentiation is particularly important to restorative justice, as reconciliation is used in a number of studies as outcome measure for victims and offenders (Kurki, 2003 and Daly, 2005). From an intra-psychic point of view using forgiveness rather than reconciliation has a number of advantages. First there may not have been a relationship as such to restore between victim and offender, which does not prevent the victim from forgiving the offender. Second where there was a relationship the victim may choose to simultaneously forgive the offender and end the relationship. In both cases the construct of reconciliation does not adequately tap the positive aspects the act of forgiving may have for the victim.

Forgiveness is associated with a number of positive features for the person who forgives. Measures of forgiveness are negatively correlated with vengefulness and angry rumination, as forgiving releases victims from negative and intrusive angry thoughts about the offence and the offender. (McCullough et al, 2001;Barber et al, 2005).[17] Forgiveness is associated with reduced depression and anxiety (Freedman & Enright, 1996; Hebl & Enright,1993), heightened self-esteem (Karremans, Van Lange, Ouwerkerk, & Kluwer, 2003), and improved life satisfaction (Karremans et al., 2003). Through the release of negative emotions it may even promote physical health (Baumeister, Exline, & Sommer, 1998; Thoresen, Harris, & Luskin, 2000). In sum: forgiving the offender in general makes good sense for victims.

Even so it makes no sense to apply external pressure on victims to forgive because of the associated benefits. In the first place external pressure will not lead to forgiving (Opdebeeck et al, 2002), but to condoning or excusing, which neither are associated with the positive effects of forgiveness. Second, as shall be elaborated below, there is the moral issue. It may be morally right to withhold forgiveness (Exline and Baumeister, 2000).

The relevance to restorative justice

Forgiveness already features within the restorative justice literature (Gehm, 1992). However, it is common to view it as a part of reconciling relationships or to view related aspects like apologies, in a sociological sense, rather than a psychological sense. In Strang and Sherman's work for example it is included within Collins Interaction Ritual Theory. The remainder of this section discusses two important aspects of forgiveness, namely the relationship between forgiveness and apologies and the relationship between forgiveness and justice values to demonstrate the

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17 It is relevant to stress here that forgiveness, see f.e. the Transgression Related Interpersonal Motivations (TRIM) scale (McCullough et al, 1997), is measured as a continuous construct, rather than a forgiveness- no forgiveness dichotomy.

relevance of including the intra-psychic side to forgiveness in explanations of victims' experiences in restorative justice.

In the first place common sense tells us that a good way to achieve forgiveness is through the offender offering an apology to the victim and in this case common sense is confirmed by research (Exline and Baumeister, 2000, Darby & Schlenker, 1982, McCullough et al, 1997). In restorative justice procedures apologizing by the offender is quite common. In the RISE-experiments 72% of participating offenders apologized for what they had done (Strang, 2002), in the South Australian Juvenile Justice (SAJJ)-programme the figures were slightly lower, with spontaneous apologies being offered in 40% of cases and a further 28% having the apology 'drawn out'(Daly, 2003).

An important qualification of the positive effect of apologies on victims is the way it is interpreted by the victim. First it is important to ascertain if what has been offered by the offender is essentially an apology, rather than an excuse.[18] Second it is a relevant question whether the victim sees the apology as sincere or not. Where sincere apologies are associated with forgiveness, insincere apologies are not and serve as an added barrier to forgiveness (Exline and Baumeister, 2000) with victims reacting with more rather than less indignation to this kind of apology (Baron, 1988 and Cohen, 1986). Receiving an insincere apology therefore, is not a neutral but a negative experience for victims, and could be said to amount to secondary victimization (Opdebeeck et al, 2002).

In only a minority of the cases in the Australian restorative justice experiments victims considered offenders apologies to be sincere (41% in RISE, with an additional 36% being 'somewhat sincere', 27% in SAJJ). Important is that there is a considerable chance of perceptual difference between victims and offenders. Even when offenders sincerely apologize, many victims will not believe them. In the SAJJ experiments Daly contrasted the views of victims with those of offenders and found that they disagreed in 30% of the cases on the sincerity of the apology.[19]

Second is the relationship between forgiveness and justice values. This relationship is not straightforward. Recent research shows that the effect of justice values depends on the type of justice values triggered (Karremans & Van Lange, 2005). If these are predominantly punishment or retribution oriented – offenders of these types of crimes should be sent to prison -, justice values will serve as a barrier (Exline and Baumeister, 2000). The victim will feel something like – I can't forgive him, because he deserves to be punished -. Conversely it will be easier for victims focusing on retributive values to forgive the offender if they see that the offender has been punished and/ or has compensated for the harm done.

However justice values can also be related to social justice, human rights or procedural justice instead of retribution. In these cases aspects of justice will stimulate rather than hinder

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18 A relevant contribution in this respect is Smith, 2005. He offers an interesting discussion of what he describes as a 'categorical apology'.

19 This could be a particular instance of the more general perceptual mismatch between victims and offenders. Where offenders have a tendency to engage in self-serving distortions, which allow them to diminish their responsibility (Baumeister, 1998), victims do exactly the reverse and tend to exaggerate the severity of the offence (Stillwell & Baumeister, 1997).

forgiveness. Restorative justice processes in general deliver high levels of procedural justice (see Strang, 2002 and). Furthermore, the restorative justice philosophy tends to emphasize non-retributive values. On both counts participating in a restorative justice process could foster forgiveness by stimulating justice values that are associated with higher levels of forgiveness.

The importance of justice values for forgiveness is also emphasised by the relationship between offence severity and justice values. Criminological research shows that the severity of offences is associated with the likelihood of people emphasizing retributive justice values and desiring the offender to go to prison. (f.e. Mattinson & Mirrlees-Black, 2000). With less severe offences values like repair and rehabilitation become more important.

The following hypothesis may be offered. Restorative justice can help victims to forgive offenders, and therefore contribute to recovery as forgiveness is associated with a number of benefits for victims. However this contribution is more likely for situations in which the offender has already been punished and/ or paid full compensation or for less severe offences as justice values will not provide a moral barrier for forgiveness in these cases. This hypothesis provides a possible explanation for a recent research that shows victims of more severe crimes profiting less from their participation than those who suffer lesser crimes. Daly (2005) reported that only 29% of the most distressed victims, who had suffered the more severe crimes, said they fully recovered a year after taking part in the restorative justice process. 66% of all participating victims said they fully recovered. Furthermore 77% of all victims attributed the recovery to participating in the restorative justice process, while only 49% of the 'high distress' victims did the same.

The discussion of anger and forgiveness can be summarized in three main conclusions. First of all it is relevant to measure forgiveness in a psychological sense as an outcome measure of restorative justice procedures, using relevant methodology.[20] Second the offering of an apology is important, but has to be qualified by the extent which it is an apology rather than an excuse and by the victims' interpretation of the sincerity of the apology. Finally the relationship between forgiveness and justice values, compensation or retribution and offence severity needs further exploration.

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20 For example the TRIM- scale, see McCullough et al, 1997.

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