ARTICLE

On being 'good sad' and other conundrums: mapping emotion in post sentencing restorative justice

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Abstract

Advocates of restorative justice argue the process offers significant benefits for participants after crime including emotional restoration. Critics point to concerns including the potential for victims to be re-victimised and offenders to be verbally abused by victims. Whether or not restorative justice should be made more widely available in cases of severe violence remains controversial. Drawing from 40 in-depth interviews with victims and offenders, across 23 completed cases concerning post-sentencing matters for adults following severe crime, we map the sequence of emotion felt by victims and offenders at four points in time: before, during and after the conference (both immediately and five years later). The findings provide insight into what emotions are felt and how they are perceived across time. We discuss the role of emotion in cases of violent crime and offer a fresh perspective on what emotional restoration actually means within effective conference processes at the post-sentencing stage.

Keywords: Post-sentencing restorative justice, emotion, victim-offender conferencing, violent crime, victims.

1 Introduction

It is hard to imagine agreeing to meet the person who took the life of a family member, for the purpose of having a conversation about the tragedy. Or, to come face to face as an adult, with the person that sexually abused you through your childhood for the purpose of a facilitated conversation. Yet this is the new frontier of the restorative justice movement internationally, with experiments of this kind being implemented in a number of jurisdictions globally (Milner, 2012; Umbreit with Coates 2001; Walters, 2015). Restorative justice is a mechanism (Daly, 2016) that allows those more directly affected by a crime to access: a less

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doi: 10.5553/IJRJ.000003

formal process where their views count, more information about the processing and outcomes of their case, participation in their case, respectful and fair treatment and in many cases restoration both materially and emotionally (Strang, 2002; Zehr, 2005).

Working with emotion is a hallmark of restorative justice and, unsurprisingly, has been characterised as an 'emotionally intelligent' (King, 2008) form of justice as it encourages awareness and expression of emotions, such as anger, shame, fear and sadness in the aftermath of crime. Furthermore, it has been claimed that the 'benefits to victims may increase with the gravity of the crime' (Strang, 2012). In other words, the more severe the offence the greater the potential for healing and reintegration (Morris, 2002: 603). If restorative justice aims to repair harm, should it not then focus on repairing the harm caused by crimes that have resulted in the most harm (Richards, 2012: 145)? Umbreit with Coates describes the potential benefits in the following way:

> Victims who seek and choose this kind of encounter and dialogue with an individual who brought unspeakable tragedy to their lives report feelings of relief, a sense of closure, and gratefulness for not being forgotten, silenced, or ignored (Umbreit with Coates, 2001: 175).

The appeal of restorative justice is that it can alleviate the pain and suffering of victims by allowing for emotional responses through an inclusive process, supporting empowerment through the active participation of victims. Rossner (2017) argues that the mechanism of restorative justice is suited to addressing victims' needs because it

> provides a space where they can be treated with respect and legitimacy, articulate their emotions, participate in decision making, and perhaps become attuned to the experience and emotions of the other (2017: 5).

Critics have expressed concern that the process could be re-traumatising for victims or that victims' anger may result in their being 'excessively vindictive' towards offenders (Richards, 2012: 142). Strang has argued that 'when victims take part in a conference they may sometimes run the risk of greater emotional harm if the conference goes wrong' (Strang, 2001: 192). Equally, the degree of shame or guilt felt by offenders in such cases means that they can also be in a vulnerable state. Herein lies a critical dilemma for restorative justice: while it offers the potential for victims to express emotion (anger, sadness, fear, etc.) and offenders to be held accountable, the emotional impact is unpredictable.

The expression of emotion and intensity of emotional dynamics are recognised as factors that are critical in shaping the restorative process and outcomes (see Harris, Walgrave & Braithwaite, 2004; Retzinger & Scheff, 2000; Rossner, 2011). Rossner argues that the process 'can be used to develop strategies that maximise emotions and ensure strong rituals' (2011: 116). Even so, it has been argued recently that:

> our understanding of how self-conscious emotions – including shame, remorse, anger, fear and empathy – operate as the underpinning transformative mechanism of restorative justice remains underdeveloped and in need of further empirical analysis (O'Mahony & Doak, 2017: 45).

Indeed to date, little empirical work has mapped exactly what does happen emotionally for participants before, during and after restorative practices. Furthermore, given the breadth of restorative practices, we argue that new work ought to more explicitly contextualise emotion within different practice settings. Restorative justice processes can operate at all stages of the criminal justice process; prior to an offender's arrest, as a diversionary, alternative approach from court, before an offender is sentenced or post-conviction (Daly, 2016). To date, much of the restorative justice literature has focused on juvenile offending (Bruce, Mason & Bolitho, 2012). When it has focused on adult offending it has tended to focus on conferencing, as an alternative to or adjunct to court, at the pre-sentencing stage (Halsey, Goldsmith & Bamford, 2015; Rossner & Bruce, 2018; Shapland et al., 2007). To date, research on the post-sentencing stage, in a prison context, for more serious offences is less well developed (Bolitho, 2015; Walters, 2015). Studies show that the effects of violent crime on victims have particular consequences: this includes physical effects such as pain and suffering and the psychological and emotional impacts that can be severe and lengthy in their duration (Dignan, 2005: 26-27). Compared to other types of crime, victims of violent crime experience more distress, and symptoms can include loss of confidence, loss of self-esteem, sleeplessness, headaches and other physical symptoms (Armour & Umbreit 2006).

This study focuses on victim-offender conferencing (VOC) after adult offenders have been sentenced for violent crime. We consider the emotional impact of the process on victims and offenders and map the emotions of participants at four different stages of the conference process. This enables a better understanding of the emotional landscape in both the short and longer term.

2 Emotions and restorative justice

It is worth noting at the outset that the impact of crime on victims involves a subjective element that relates to the significance and meaning attributed by each person to their experience (Dignan, 2005: 24). Victims' and offenders' emotional reactions to events can vary depending on the attributed meaning. Harris et al. (2004) argue that victims and offenders participating in restorative justice do so from different 'emotional starting points' that impact the course each individual and collective process takes. With this in mind we are interested in the emotion starting points, middle and end points as experienced by victims and offenders at different stages of the restorative justice process and consider what victims and offenders might experience emotionally in the post-sentencing restorative justice sphere.

The most commonly discussed emotion in the restorative justice literature is, of course, shame, originating with Braithwaite's influential theory of reintegrative shaming. According to Braithwaite's model, when offenders are held to account within a space that reaffirms their human value, it can facilitate effective reintegration of offenders (Braithwaite, 1989). Shame is introduced into the process through a discussion of the impact of crime on victims with the offender's community of care present (Braithwaite, 2002a: 74). Retzinger and Scheff argue that the concept of shame is helpful for understanding positive and negative conference dynamics: 'the effective management of shame dynamics may be the key to a successful outcome' (Retzinger & Scheff, 2000). They found in their study that symbolic reparation (a shift towards understanding and forgiveness) occurred immediately after the conference, more so than during the formal process (although it was rare in only four out of nine cases) (Retzinger & Scheff, 2000). Daly (2002) argues that it is much more common to achieve procedural justice (a sense that the process and outcomes were fair) than it is to achieve symbolic reparation (apology-forgiveness). Given the gap between the ideal model and what is achievable in practice, 'emotional restoration' has been described as an aspiration to be encouraged rather than a requirement that denotes success (Braithwaite, 2002b).

What exactly does 'emotional restoration' mean? A review of the literature suggests that the concept of 'emotional restoration' is used to mean different things. There is debate as to what exactly is to be restored. Victimisation creates justice 'needs', and it is by meeting needs that well-being can be restored (Bolivar, 2010 citing Zehr, 2005). Adapted from Toews (2006), Bolitho (2015) describes two of the justice needs of victims related to emotional restoration in the following way: 'growing' – expressed as a need not to be 'locked into negative emotions but to become forward looking' – and 'meaning' – expressed as a desire to 'integrate the experience' and some acceptance of the event and its aftermath (Bolitho, 2015: 269). In the literature, Strang has measured the extent to which 'emotional restoration' was achieved in meeting victims' needs in relation to the following components: a reduction in fear and an increase in victim safety, transforming anger towards sympathy, reducing anxiety, increasing victim's security, providing 'closure' and making amends with the offer and acceptance of an apology (2001: 187-192). It has also been measured in terms of relieving victims of psychological symptoms such as post-traumatic stress (Angel, 2014; Bolitho, 2017; Gustafson, 2005).

Emotional restoration is also an umbrella term often used to encompass other related aspirations like 'healing', 'empowerment' and 'closure' (Bolivar, 2010; Richards, 2005). By accepting responsibility, the offender can begin to ease the victim's hurt and suffering. Holding an offender accountable can be empowering for victims aiding in their 'healing' (O'Mahony & Doak, 217: 86). Claims are made that restorative justice can be beneficial for victims by offering 'emotional closure' such as letting go of long-standing anger (Armour & Umbreit, 2006: 106); it is also argued that the relevance of the term closure will depend on what it means to each person (Armour & Umbreit, 2006: 107). Closure can mean many things, such as feeling 'safer', finding out answers to unknown questions, finding internal peace, looking towards the future (Armour & Umbreit, 2006: 106). Miller argues it is the future-looking aspect of restorative justice that enables victims in a post-sentencing setting to accept what has happened and 'move forward' rather than find 'closure' – as in putting the crime behind them (2011: 166).

Other examples show 'restoration' is often used interchangeably with 'symbolic reparation', for example, to refer to the sequencing of emotion, at the group level, between victims and offenders in an ideal conference (Retzinger & Scheff, 2000). The promise of restorative justice for victims and offenders is of an experience of justice that encourages making amends, leading to a process of 'symbolic reparation' (remorse, apology, forgiveness). Retzinger and Scheff (2000) argue that effective restorative justice processes are underpinned by a core sequence of emotion that has two major elements: the offender's remorse and apology and victim's forgiveness. The core sequence is seen as critical to restorative justice because: 'Symbolic reparation depends on the emotional dynamics of the meeting and on the state of the bonds between the participants' (Retzinger & Scheff, 2000). According to this model, shame and (genuine) remorse must be expressed by an offender for a victim to begin to shift towards forgiveness. This point is relevant to 'community restoration' and the relational dimension of restorative justice (Bottoms, 2003 cited in Rossner, 2017).

Strong claims have been made that restorative justice can transform 'aggressive' emotions (anger, rage) into empathy (Van Stokkom, 2002: 341), and there is some empirical evidence that for at least some victims of violent crime there may be transformative and therapeutic effects (Bolitho, 2017). According to Sherman and Strang, a central emotion to be addressed in a justice process is revenge (or vengefulness). They suggest that 'RJ transforms victims' vengeful emotions into empathy that fosters a more positive emotional state' (2011: 156). The ideal sequence is described in the following way: (1) initial discussion between offender and victim, (2) victim's anger expressed, (3) offender experiences 'shock realisation' of consequences of the offence in light of victim's 'moral outrage', (4) transforms vengefulness into victim empathy, which can then transform anger into pity for the offender (2011: 156-157). Other research suggests that the expression of anger can be counterproductive to meeting victims' needs (Miller, 2011). Restorative justice does not shy away from the expression of emotion; it works with an awareness of emotional impacts of crime and offers a forum for participants to express emotion (King, 2008), but in practice there are ground rules as to how participants are expected to express themselves (Miller, 2011). What can participants expect from an emotionally intelligent justice process?

It is often implied that restoration involves the generation of positive emotions for victims (Bolivar, 2010). Bolivar argues that it is often assumed that restorative justice can 'cause a change, somehow, on victims' perceptions regarding themselves, the situation and the offender' (2010: 255). Ideal emotional transformations have also been described in the literature accordingly: (i) for victims as shifting from insecurity and fear, humiliation or shame, indignation, resentment, anger or hatred to 'a state of acceptance of what happened, and even feelings of empathy for the plight of the offender and a readiness to forgive, or, at any rate, to put the matter behind them' (Barton, 2003: 56); (ii) for offenders as moving from anxiety and fear, defiance or indifference, shame or humiliation or worthlessness to remorse, empathy, making amends, inner confidence and resolve (Barton, 2003: 56). Significant changes in the emotional state of offenders, and victims in particular, are often described as if they occur in a linear fashion, transforming one emotion into another.

In approaching our study, we consider that victims and offenders come to the process with a range of justice needs, and from different emotional starting points. We are interested in the extent to which victims and offenders experience emotional shifts before, during and after the process, if any, and how they feel having participated in a restorative justice process. If restorative justice is 'emotionally intelligent' justice, what does this mean in a post-sentencing context?

3 Methods

The data for this study was drawn from a data set gathered between 2010 and 2014 on the longest established Australian post-sentencing restorative programme[1] for adult victims and offenders following serious crime (murder, manslaughter, armed robbery, sexual violence). VOC is one component of work completed by a small team of workers in the Victim Support Unit (previously Restorative Justice Unit) within Corrective Services, Justice New South Wales.[2] The Unit's work is victim focused and may involve a range of restorative interventions (letter exchanges, family conferences). In nearly all cases VOC are conducted while the offender is still in custody. The key aims of VOC are to: meet the unmet justice needs of victims of crime; facilitate a consensus about how to reduce the harm caused by the offending; address the issues left unresolved by the court system; provide a process for converting hostility into dialogue; provide the people who are victims of crime with a space to have a voice and ask questions, to express how they feel, and have a say on how the harm can be repaired; and hold the offender accountable for their offending (Corrective Services NSW, 2015). Referrals are accepted from victims, offenders and other representatives (e.g. victim support groups, counsellors, and prison psychologists). Significantly, the process proceeds only if the victim agrees and the offender is assessed as both eligible (after sentencing and without pending legal matters) and suitable (demonstrating a level of responsibility). Participation in VOC is not formally taken into consideration when parole hearings occur. The majority of meetings are held in prison (Milner, 2012).

The research was designed to be an in-depth study of VOC as an example of restorative justice programmes in the post-sentencing sphere. Given the small number of VOC completed each year (approximately 5-10), a mixed method approach was used to capture information on as many elements affecting the process and outcomes as possible. A census of completed cases since programme inception (1999) to 2010 was completed and consisted of the analysis of departmental case files and an interview with the facilitator of the conference (*n* = 60). Between 2010 and 2014 every case that went to VOC where consent was given was studied through case file analysis, facilitator interview, direct observation of the VOC and pre- and post-interviews conducted within two weeks prior to and after the VOC (*n* = 14[3]). Victims and offenders that completed a VOC between 2005 and 2007 were asked to participate in a five-year follow-up study. Interviews with victims were generally conducted in their homes; interviews with offenders generally in prison. Ethics approval from the relevant University and Government department was gained for all components of the study, and participants were able to consent to each component of inquiry separately (e.g. observation but not interview).

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[1] The setting in which post-conviction programmes operate can vary – some are run through government justice departments, some by not-for-profit community groups and other programmes through faith organisations (Umbreit & Armour, 2011: 118).The programme under study is run by the State government of New South Wales, Australia.

[2] See Milner (2012) for a fuller discussion of the programme and its history.

As this article focuses on the role of emotion we included for analysis cases where an offender or victim was interviewed and excluded material relating to emotion that was described by the facilitator, summarised in the case file (by the facilitator) or observed by a researcher. In total, we drew from 23 cases where there was at least one first-person narrative of the VOC from the offender’s or victim’s perspective (a total of 40 interviews, 21 with victims and nineteen with offenders). Of these 23 cases, fifteen had completed their VOC within the previous six months (part of the current case component of the study), with fourteen interviews with offenders and fourteen interviews with victims. For the other eight cases (completed as part of our five-year follow-up component of the study) there were five offender interviews and seven victim interviews. The time that had elapsed from the time of sentencing to referral to VOC ranged from fourteen years to nine months with a median of two years and two-and-a-half months. The time from referral to completion of the VOC ranged from 1 to 22 months, with a median of ten months. The offence types included offences ending in death (*n* = 14 or 61 per cent), Sexual offences (*n* = 3 or 13 per cent), Assault/ Other (*n* = 3 or 13 per cent), Armed robbery (9 per cent) and Fraud (*n* = 1 or 4 per cent).

The interviews for participants in the current study and the five-year follow-up were structured in the same manner. They were semi-structured, lasted for about an hour and covered participant recollections, thoughts and feelings during and after the actual crime event, the court case, on referral and during preparation to VOC, the VOC itself (immediately before entering the room, in the room, immediately after exiting the room and a few days later). The goal with these interviews was to understand how the VOC was experienced. To explore and understand the role of emotion in VOC a working list of emotion-related terms (anger, sadness, grief and fear) was developed and keyword searches completed. An effort to map emotion across time was made by checking the data at the time of the crime, court, VOC and a few weeks afterwards. Specific questions pertaining to emotion were coded and included ‘do you expect the VOC to be emotional’

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[3] There were two cases where consent was not obtained; both were cases of historical child sexual abuse.

(prompts around why, how, in what way), 'do you feel prepared for the VOC' (prompts around emotion), 'how did you feel' (in the lead-up to the VOC, on the morning of the VOC, immediately prior to entering the room, on entering the room and afterwards (both immediately and later)), 'how do you feel now about taking part in a VOC' (prompts around any emotional shifts mentioned). Emotional intensity was not recorded using a scale but rather in the participants' own words (e.g. 'very angry'). Multiple emotions were recorded if noted. After coding the key emotions at different stages of the process, we identified whether victims and offenders experienced any changes and if so, the nature of these shifts.

This study had a range of limitations, which included having different amounts of data on each case, the passage of time affecting recall and all of the usual biases that come with qualitative work, particularly surrounding emotion. Dignan, for example, argues it can be difficult to measure the emotional effects of crime on victims 'because both the emotional experience itself and the extent to which people are willing and able to discuss it are themselves highly subjective' (2005: 24). Emotions can be difficult to describe: for example, 'Many people are unable to articulate their emotional experiences, either because they lack an adequate emotional vocabulary or because they have been taught to ignore their emotions' (Jones & Bodtker, 2001: 237). It can also be difficult to recall emotions, and for there to be a range of biases in responding, particularly for victims and offenders interviewed five years after their VOC. Even so, including the voices of victims and offenders, in their own words, provides an important counterpoint to the enthusiastic claims of advocates and concerns raised by critics. In addition, high rates of participant satisfaction are commonly reported when participants are asked about their experience immediately after the conference, whereas it is unclear if satisfaction with conferencing continues overtime (Wagland, Blanch & Moore, 2013). We included a five-year follow-up study with victims and offenders to consider longer-term impacts. While it is common in programme evaluations to survey victims' satisfaction levels but less common to ask offenders their views (Shapland et al., 2007: 7), we also asked offenders about the role of emotion.

4 Mapping the emotion process for victims and offenders

The key findings show that for participants who had completed the VOC recently, the majority of victims and offenders articulated positive changes in terms of their emotional state. A few victims reported a negative outcome or no change, and one negative outcome was reported by an offender. Similar results were reported by offenders in the five-year follow-up sample, with most reporting positive shifts. When victims were asked about the VOC five years later, positive shifts were reported, although some reported no change in the longer term. Despite the small sample size, there are key lessons to be drawn from this. The results are described in more detail in what follows.

4.1 Victim's emotion process over time

In this section we map the victim's experience before, during and after VOC. Victims were asked about their expectations before the conference, and the majority said they expected the VOC to be emotional; for example, 'I might hold it together really good (laughs), but I'm not counting on it' (current interview #8, assault causing grievous bodily harm), and:

> Definitely. It's going to hit home all over again because as much as I can say – I don't dwell on it because I don't – but I never forget. When (something like VOC happens) yeah the emotions come flooding back. I go back to that day where I was there. It'll be like living on a rollercoaster for the day (current interview #08, ibid).

Emotions before VOC encompassed both a reactivation of original reactions to the crime and a great deal of anxiety and trepidation 'very nervous, very, very nervous. Couldn't think, couldn't sleep. I was a mess at work, I was crying uncontrollably' (current interview #10, murder), and another, 'it's all coming back up yeah … I'm sh**ing myself to be honest [laughs]'(current interview #14, historical child sexual abuse).

Similarly, where victims were interviewed five years after their VOC, recall of the lead-up to VOC was a spectrum from anticipation to nervousness to complete fearfulness. One described the mixed emotions in the lead-up as 'pretty screwed up', and he sought medical treatment in the form of Valium (historical interview #18, murder).

Across the interviews it was clear that many victims actively planned how to cope with the expected emotion; for example, 'I'll try not to cry because I want to be able to talk, and I can't cry and talk at the same time' (current interview #11, murder), and another: 'I think it may get emotional, but at the same time I will be trying to control my emotions just for the fact of I don't want to get too angry, I don't want to get too upset … because once my emotions start coming out, you get too angry and I just don't want that' (current interview #14, historical child sexual abuse).

All except one of the conferences were held in a prison facility, and for some entering a prison was frightening in itself. Fear was the most common feeling victims described immediately prior to entering the VOC room. During the VOC the majority of victims described being very emotionally affected. For some the sudden onset of emotion was uncomfortable, and one respondent described feeling 'embarrassed by this'. Another said: 'It was uncomfortable only when (I got) a bit upset, when I was showing some weakness' (current interview #01, armed robbery). Others described sadness: 'everything else that I went through that night come flooding back. … I felt the sadness. The fear wasn't there anymore because it was like I already know that he's here' (current interview #08, assault grievous bodily harm).

Five years later victims recalled having similar emotions before and on entering the VOC room, for example recollecting 'emotion being very high' (historical interview #20, manslaughter), for one it was 'confronting' (historical interview

#16, murder), and some felt overcome with anger: 'yeah it took everything for me not to lash out on him when I was face to face' (historical interview #20, manslaughter).

Across the interviews it is clear that the VOC itself is emotional terrain, which is not surprising given the extent of harm, very challenging: 'very difficult for me yes. Yeah very confronting, very claustrophobic sort of feeling' (current interview #04, driving causing death), 'I cried … because it brought it back exactly as it occurred' (current interview #06, sexual assault), another said, 'a mother's worst nightmare and yeah all those feelings come back, everything else that I went through that night come flooding back. … I felt the sadness' (current interview #07, murder), 'I was very emotional … very upset and crying uncontrollably, and then I stopped and I was like anger' (current interview #10, murder).

While the findings suggest victims experienced intense and mixed emotions, another theme during the VOC was of resisting the 'victim' label by actively managing the display of emotion. While it was distressing, intense and confronting, victims worked with their emotion, and the display of emotion was a tool for empowerment. Contrary to how the crime event was experienced, the restorative space was seen as an opportunity to present oneself in a particular way – strong, resilient, courageous, powerful. Thus, a number of victims talked of masking their pain and suffering and wanting to put on a show of strength to the offender:

> I didn't want to cry. I just wanted to go in there and be fairly strong about it and put my point across (current interview #12, murder),
>
> I didn't want to expose myself and let him truly see how much I'm still hurting. I didn't want him to have that knowledge because I kind of felt it would possibly maybe give him – for some reason I thought it might make him see himself as more powerful because he's still hurting me (current interview #11, murder).

Even when the emotions being experienced were of sadness and grief, some victims described managing this for the purpose of the VOC:

> I really kept a lid on my emotions … I could have easily started to cry, but I didn't want to do that because – not that I didn't want to seem weak – but I just didn't want I suppose him and his sister to see that side of me. I was here to do a job, I was there to get the information that I needed to get (current interview #15, murder).

We can see in the above quote that the victim framed the purpose of the VOC as seeking new information. For a subset of victim participants, it was clear that emotion was one among a number of components contributing to the VOC, and for some victims not the critical ingredient for success. In one case what was meaningful for the victim was the 'genuine' engagement of the offender; of emotion it was noted: 'emotion had its place, it wasn't necessary … it wasn't that important, honesty was critical' (current interview #10, murder).

Despite this, for the majority of victims there was a strong emotional response after the VOC. All but two victims described a positive shift in emotion after the VOC. Positive shifts were accounted for in the following way: the majority of responses indicated a sense of positivity, relief and future looking: ‘I feel good that I’ve done it’ (current interview #11, murder), ‘at the end of it, it did feel somewhat better, like a weight has been lifted off my shoulder’ (current interview #14, historical child sexual abuse). Some described a shift, away from anger and fear towards emotional relief:

> I used to always be angry, always yelling and snapping and stuff, but I’m a lot calmer, I can take a lot more now. I feel relieved because I know that there’s nothing else to do (current interview #05, murder),
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> I don’t feel as scared now … I felt relieved that it went so well (current interview #06, sexual assault).

Similarly, five years after the conference, the majority of victims interviewed described a positive shift in their emotions: for example, the emotion process began with anger (beforehand) to anger (during VOC) to anger dissipating (after VOC). Victims described the process of emotional transformation as a relief, for example, ‘that heavy, thick heaviness that was like now gone, just the energy shifted’ (historical interview #19, murder). For this victim, they had carried unresolved anger with them since the court case:

> I was still angry and like the trial really sucked, seriously it did. What did I say about the trial because I didn’t know this – this was the thing that I said I didn’t know until I wrote it down and I didn’t realise how much energy I still have around the trial (historical interview #19, murder).

Another victim felt: ‘relieved that I got it off my chest … I’ve been in a lot better headspace since then … I kept on reliving it and I had to let that go’ (historical interview #21, manslaughter), with another likening it to ‘a funeral … until funeral’s been you can’t get on … it was a bit like that’ (historical interview #15, murder). For these victims, the dissipation of anger they recalled experiencing after their VOC was sustained five years later.

Despite feeling a positive shift after the VOC, for some victims, an enduring sadness remained.

> I think at the end of it, it was like a good sad because I needed to do that. So I could tell that I was sad but it was a positive sad because I was getting benefit from what was happening (current interview #10, murder).

For others, there was no real emotional transformation. For example, one victim had been so upset before VOC he had taken Valium to calm the nerves and afterwards recalled: ‘no I didn’t feel anything particularly, just glad we got our questions answered’ (historical interview #18, murder). For another, the VOC was disappointing because of ‘raging anger’ from one of the support parties and did not result in any real emotional restoration (historical interview #17, murder). A third victim, who described feelings of disgust and revulsion before the VOC and anger, sadness and hatred during the VOC, did not report any substantial emotional relief:

> In a sense I still feel a bit angry. Definitely sadness, hatred; sadness of everything I've missed. It was good that I did it and I'm glad that I did it and I don't regret doing it, but it didn't make me look at him in a different respect (historical interview #20, manslaughter).

This is a good example of what is described in various ways in the restorative justice literature to be moving forward, growth and new meaning. While distinct emotions are still present, there is a different level of acceptance around the event.

Our data offers a fresh perspective on victims' emotion after serious crime. It is not simply a matter of a particular sequence of emotion, or the presence or absence of any particular 'moral' emotion (such as shame) (Van Stokkom, 2002), but more about the genuine opportunity to work with and allow for any and all emotions as they are experienced. With many violent crimes sadness and grief endure simply because the impacts of the crime endure in many forms: after death the missed birthday, the loss of opportunity to see someone grow, to be part of a family; after sexual assault the loss of childhood, of good health or of the opportunity for new relationships not affected by the original harm. Restorative justice processes in the form of VOC may not eliminate feelings of sadness or anger; what we see instead is someone moving closer to a sense of closure and meaning around the event.

For the only victim where there was no shift in the intense emotions felt before and after the VOC, the motivation for VOC was different. In the larger sample, victims came to the process open to what restorative justice meant. For this particular victim, the drive was not for VOC or restorative justice per se but to see and speak to the offender. The prison had not allowed a direct meeting between the victim and the offender but instead had referred the victim to VOC (as the only mechanism for bringing the parties together). For this reason there was a markedly shorter time from the crime event (driving causing death) to the VOC –a few months rather than more than a year. In this case, restorative justice was being used as a mechanism for direct conversation rather than as an avenue to address harm. Expressing some frustration, the victim felt VOC to be yet another imposition from the State; notably, there was little change in emotion from before to afterwards. Speaking of the VOC process, this victim noted there was a:

> forced belief that yeah things will be better; just get this done, just get the court case bit done or just have that visit; you do it and it's like well yes that bit is done, but it's still no bloody different. It's still revolting (current interview #04, driving causing death).

The lack of emotional 'resolution' in this case may simply reflect the participant being in the process of grieving. While the process was held in response to the wishes of the victim, while ostensibly justice needs were met (for information about the moments leading up to the event and last word of her loved one), and while there is no evidence from participants that any additional harm was caused, emotional transformation is not always possible.

4.2 Offender's emotions over time

In the current cases, when offenders were asked whether they expected the VOC to be emotional, all answered yes, with a few expecting intense emotions: 'extremely … obviously extremely emotional' (current interview #11, murder). When asked to describe how they felt in the lead-up to the VOC, offenders used words on the fear spectrum ranging from apprehensive, nervous, anxious to outright fearful, frightened and, in one case, terrified, with one describing the effect of these emotions on the body ('heart was thumping' current interview #05, murder). Where apprehension was described, perpetrators talked of 'not knowing what was going to happen', 'expecting the worst' (current interview #08, assault causing grievous bodily harm), 'hoping the victim doesn't jump over the table' (current interview #01, armed robbery), anticipating strong emotion –'they'll have hatred there' (current interview #07, murder). Of the cases followed up five years after the VOC, the descriptions of emotion prior to, during and after the VOC were relatively similar to those of offenders who recently completed a VOC. The passage of time did make it harder for offenders to recall what they felt before entering the room, and for those that could remember the dominant feeling was of intense nerves: 'I just put my feet down and kept moving to get into that room' (historical interview #19, manslaughter).

Immediately before entering the conference room, nearly all offenders described feeling very nervous and apprehensive; for example, 'I was scared, didn't know what was going to happen' (current interview #12, murder); one offender mentioned feeling a sense of relief from anticipation, that it was 'finally happening' (current interview #08, assault causing grievous bodily harm).

During the VOC, nearly all offenders described emotions on the distress spectrum, including sadness and guilt;

> 'telling me about his kid … that's when I felt guilty, that's when I felt shit he's lost a lot' (current interview #02, assault causing grievous bodily harm), 'it hurt me to see her crying' (current interview #08, assault causing grievous bodily harm), 'I felt sad for him' (current interview #04, driving causing death), 'just the plain and simple fact I wish the actions I'd done weren't so' (current interview #04, driving causing death), 'I'm still overwhelmed with what I've done … it's just so tragic' (current interview #05, murder), 'it hurt. It was hard. How hurt she was, was going through my mind' (current interview #07, murder).

One offender described how sadness led to empathy: 'I was feeling just sadness, I guess a sense of caring, like I could feel for them' (current interview #12, murder).

The majority of offenders described a mix of emotions during the VOC such as 'grateful that it's happening … but uneasy' (current interview #14, historical child sexual abuse). While one offender had feared the victim's anger beforehand, they said: 'her anger was like nothing I could have predicted' (current interview #11). Thus, it is clear that for offenders VOC was an emotionally intense experience. This was similar for offenders interviewed five years after their VOC, for example: 'Look I was frantic, just – overwhelming fear and a whole gamut of emotions that I can't even name. Just walking into the unknown, totally, like, I guess – almost, yeah, you could describe as being like a deer caught in the headlights' (historical interview #19, manslaughter).

What offenders did not anticipate was to benefit personally. The majority of offenders interviewed two weeks after VOC, articulated positive changes after their VOC, with one negative outcome reported by an offender. Nearly all offenders described positive emotions after the VOC, being either sheer relief (current interview #08, assault causing grievous bodily harm) – a sense of a 'weight being lifted from my shoulders' (current interviews #01, armed robbery; #06, sexual assault; #07, murder) and in a few cases catharsis:

> as soon as it ended I walked into another room and I just broke down in tears … (sighs) I guess you could say I felt better, … I fell asleep as soon as I got back to the cell, but when I woke up that night I felt better for having done it. I felt it was like a real worthwhile thing of having done it (current interview #12, murder).

A few offenders described feeling proud of themselves for following through with the VOC, a sense of 'at least I've given them something' (current interview #05, murder), and a few noted a feeling of closure and hope for the future; 'I can now move on, hopefully so can he in whatever possible way' (current interview #04, driving causing death).

Similar results were reported by offenders in the five-year follow-up sample, with most reporting positive shifts after the VOC. For example, an unintended benefit described by one offender was that the experience gave them strength and resolve:

> I'm stronger emotionally. I'm content with who I am. I accept all the warts and try and use those experiences of what I've lived and how it's impacted others (historical interview #19, manslaughter).

Even though most offenders assumed they were participating primarily to help the victim, they reported that the experience had positive flow on effects for them personally. To summarise, offenders recalled anticipating the meeting to be emotional, a range of intense emotions during the VOC, relief and for some closure, in the aftermath.

5 Discussion

Restorative justice theory assumes that the communication and expression of emotion during a conference is key to healing the emotional and psychological impacts of crime. The promise of positive emotional transformation, in a post-conviction setting, is of victims finding 'healing' and 'closure' (Armour & Umbreit, 2006). We mapped the emotions felt by victims and offenders before, during and after their conference. Our findings show that while victims began the process of preparing for VOC from different 'emotional starting points' (Harris et al., 2004), there was a broad pattern of experiencing a combination of emotions such as fear and anger beforehand, towards a more positive affective state afterwards.

Our findings give some support to the idea that victims' anger can be lessened through VOC: for example, some victims felt angry before and during VOC but, overall, the intensity of their anger dissipated to a sense of positivity, relief, 'letting go' and hope for the future. This suggests that by openly expressing emotion, transforming emotions like anger, fear and sadness into emotions like hope for the future is possible in cases of severe violence. There is some evidence to show that the lessening of the emotion of anger after VOC appeared to be sustained according to victims interviewed five years later. While the majority of victims interviewed indicated that they experienced changes in their emotional state after VOC, the degree of change differed. For example, one victim described feeling 'good sad' after the VOC. Rather than mandating the presence of emotion, or expecting particular feelings or the sequences of emotion, our data suggests that in the post-sentencing space, following serious crime, restorative justice is best thought of as an avenue to new meaning rather than emotional transformation per se. It may be transformative for some; for others, different properties of restorative justice are more important (e.g. restorative justice as an avenue for sharing information).

The findings show that in practice the expression of emotion by participants in restorative justice requires a more nuanced understanding. Critics have expressed concern that restorative justice could be used as a vehicle for angry victims to be vindictive towards offenders (Richards, 2012). For example, Miller has argued that offenders in her study were worried about victims' anger and receiving verbal abuse but that the facilitator managed this by making it clear to victims and offenders that 'offender bashing' would not be tolerated (2011: 197). Miller argues that the reason for the high rate of success in her study was that 'victims had moved beyond their anger' (2011: 177). She indicates that victims felt angry (experiencing the subjective feeling of anger) but that they realised expressing that anger as hostility would not be helpful for meeting their needs at the conference (2011: 177). So-called high-intensity emotions (anger, fear, disgust, sadness, shame, guilt) are important in helping individuals come to terms with external events (Scherer, 2005: 706), such as crime, which impact well-being. But Miller suggests the expression of anger needs to be regulated by victims during conferences to achieve a successful outcome. The victims in our study did regulate the display of emotion (particularly of sadness and, for some, anger) in a purposeful way to be empowered during the VOC – inverting the dynamic of the crime event.

The findings show that victims were conscious not to share all the emotions they felt with the offender at the conference, in part – their perception of empowerment is one that flips the experience of the event (powerless to powerful) – because they did not wish to appear 'weak'. Our findings suggest that, in particular, victims of offences resulting in death did not wish to express the full extent of their grief and sadness. Thus, empowerment comes through concealing as well as expressing emotion.

The act of holding an offender accountable can be empowering for victims. In this study, which concerned a victim-focused restorative justice programme, essentially, the process of empowering victims to participate in restorative justice is valued above all by victims even if emotional restoration is not fully realised. In Braithwaite's terms, participation and empowerment is an essential standard to be honoured, whereas emotional restoration is an aspiration to be encouraged (Braithwaite, 2002b). Victims might 'feel better' (Morris 2002) after restorative justice even though sadness lingered.

Both victims and offenders in our study reported being extremely nervous and apprehensive before the VOC. While Shapland et al. (2007: 27) found that participants' experience of the emotional intensity of conferencing varied depending on how nervous they were beforehand, in the post-sentencing space apprehension and anxiety before the VOC is taken as given and something that is prepared for and managed by experienced and advanced facilitators (Bolitho & Bruce, 2017).

The restorative justice programme at the centre of this study was explicitly 'victim-centred'. In a previous study, Shapland et al. found offenders said they thought the conference was primarily for the victim (2007: 14). Our findings suggest that VOC had unintended benefits for offenders, not just victims. For example, offenders reported feeling relief but also strength and resolve after having participated. Similarly, the 'side effect' for offenders reported by Miller was that meeting victims had a 'long lasting effect on their remorse and their determination to become better people' (2011: 199). Critics have questioned whether a one-off restorative justice dialogue can achieve long-lasting change in people (see Morris, 2002). The results from this study cannot fully answer that question, but they do show that the preparation, combined with the face-to-face meeting, offers offenders an opportunity to do the hard 'emotion work' (Miller 2011), which can be personally rewarding.

6 Conclusion

The promise of restorative justice is that it can deliver emotionally intelligent justice – including a greater awareness of emotion and encouragement of the expression of emotion so as to transform emotions such as anger, sadness and fear towards emotions like hope for the future. This article considered the role of emotion at different stages of the restorative justice process, mapping changes and continuities identified by victims and offenders in their own words. Our data suggests that rather than neat and linear notions of 'restoration', the emotional landscape after serious crime is complex; some emotions endure, and this should not be seen as pathological or abnormal; some emotions dissipate. More important than emotional resolution is the creation of a pathway through emotional terrain that is supported by skilled and emotionally literate and competent facilitators. It is, of course, positive when it leads to emotional resolution or transformation, but it is also positive to have simply allowed for the opportunity to work with, not against, emotion. This is what makes restorative justice an 'emotionally intelligent' process (King, 2008).

Restorative justice at the post-sentencing stage differs from restorative justice process used as a diversionary mechanism and as an alternative to, or adjunct to the sentencing process itself, and these differences in context and research need to be better understood. This article has gone some way towards opening up the conversation as to what victims and offenders might expect emotionally from a restorative justice process in the aftermath of severely violent crime. As to whether or not restorative justice should focus on crimes that have resulted in the most harm (Richards, 2012), the results show that for most victims the process was restorative: the meaning of restoration for victims in a post-sentencing context relates more closely to finding a new level of acceptance around an event, someone moving closer to a sense of closure rather than necessarily transforming or eliminating feelings of sadness or anger. The findings also suggest that victim empowerment is achieved not only through the expression of emotion but also through concealing emotion. It is clear that participants, with the guidance of facilitators, can successfully navigate the complexities of the VOC, emotion included.

References

Angel, C. (2014). Short-term effects of restorative justice conferences on post-traumatic stress symptoms among robbery and burglary victims: a randomised controlled trial. *Journal of Experimental Criminology*, 10(3), 291-307. doi: 10.1007/s11292-014-9200-0.

Armour, M. & Umbreit, M. (2006). Exploring "closure" and the ultimate penal sanction for survivors of homicide victims, *Federal Sentencing Reporter*, 19(2), 105-112. doi: 10.1525/fsr.2006.19.2.105.

Barton, C. (2003). *Restorative justice: the empowerment model*. Annandale: Federation Press.

Bolitho, J. (2017). Inside the restorative justice black box: the role of memory reconsolidation in transforming the emotional impact of violent crime on victims, *International Review of Victimology*, 23(3), 233-255. doi: 10.1177/0269758017714549.

Bolitho, J. (2015). Putting justice needs first: a case study of best practice in restorative justice. *Restorative Justice: An International Journal*, 3(2), 256-281. doi: 10.1080/20504721.2015.1069531.

Bolitho, J. & Bruce, J. (2017). Science, art and alchemy: best practice in facilitating restorative justice. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 20, 336-362. doi: 10.1080/10282580.2017.1348896.

Bolivar, D. (2010). Conceptualizing victims' 'restoration' in restorative justice. *International Review of Victimology*, 17(3), 237-265. doi: 10.1177/026975801001700301.

Braithwaite, J, (2002a). *Restorative justice & responsive regulation*. Oxford: Oxford University Press.

Braithwaite, J. (2002b). Setting standards for restorative justice. *British Journal of Criminology*, 42(3), 563-577. doi: 10.1093/bjc/42.3.563.

Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge: Cambridge University Press.

Bruce, J, Mason, G. & Bolitho, J, (2012). Restorative justice: from juveniles to adults. In J. Bolitho, J. Bruce & G. Mason (eds.), *Restorative justice: adults and emerging practice* (pp. 1-16). Sydney: Sydney Institute of Criminology Monograph Series.

Corrective Services NSW. (2015). About restorative justice. Retrieved from www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/support-families-community/victims.aspx (last accessed 1 May 2019).

Daly, K. (2002). Restorative justice: the real story. *Punishment & Society*, 4, 55-79. doi: 10.1177/14624740222228464.

Daly, K. (2016). What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders*, 11(1), 9-29. doi: 10.1080/15564886.2015.1107797.

Dignan, J. (2005). *Understanding victims and restorative justice*. London: Open University Press.

Gustafson, D.L. (2005). Exploring treatment and trauma recover implications of facilitating recovery implications of facilitating victim-offender encounters in crimes of severe violence: lessons from the Canadian experience. In E. Elliott & R. M. Gordon (eds.), *New directions in restorative justice issues, practice, evaluation* (pp. 193-227). New York: Willan Publishing.

Halsey, M., Goldsmith, A. & Bamford, D. (2015). Achieving restorative justice: assessing contrition and forgiveness in the adult conference process. *Australian and New Zealand Journal of Criminology*, 48, 483-497. doi: 10.1177/0004865814538433.

Harris, N., Walgrave, L. & Braithwaite, J. (2004). Emotional dynamics in restorative conferences. *Theoretical Criminology* 8(2): 191-210. doi: 10.1177/1362480604042243.

Jones, T.S & Bodtker, A. (2001). Mediating with heart in mind: addressing emotion in mediation practice. *Negotiation Journal*, 17(3), 217-244. doi: 10.1111/j.1571-9979.2001.tb00238.x.

King, M. (2008). Restorative justice, therapeutic jurisprudence and the rise of emotionally intelligent justice. *Melbourne University Law Review*, 32(3), 1096.

Miller, S. (2011). *After the crime: the power of restorative justice dialogues between victims and violent offenders*. New York: New York University Press.

Milner, K. (2012). Restorative justice and adult offending: twelve years of post-sentence practice. In J. Bolitho, J. Bruce & G. Mason (eds.), *Restorative justice: adults and emerging practice* (pp. 80-99). Annandale: Federation Press.

Morris, A. (2002). Critiquing the critics: a brief response to critics of restorative justice, *British Journal of Criminology*, 42, 596-615. doi: 10.1093/bjc/42.3.596.

O'Mahony, D. & Doak, J. (2017). *Reimaging restorative justice: agency and accountability in the criminal process*. Oxford: Hart Publishing.

Retzinger, S. & Scheff, T. (2000). Shame and shaming in restorative justice. *The Red Feather Journal of Postmodern Criminology*, 8.

Richards, K. (2005). Unlikely friends? Oprah Winfrey and restorative justice. *Australian & New Zealand Journal of Criminology*, 38(3), 381-399. doi: 10.1375/acri.38.3.381.

Richards, K. (2012). Benefits and challenges of using restorative justice approaches for victims of crime committed by adults: an exploration of theory and evidence. In J. Bruce, J. Bolitho & G. Mason (eds.), *Restorative justice and adults: emerging issues* (pp. 142-155). Sydney: Sydney Institute of Criminology Press.

Rossner, M. (2011). Emotions and interaction ritual: a micro-analysis of restorative justice, *British Journal of Criminology*, 37(1), 95-119.

Rossner, M. (2017). The victim in restorative justice: directions and developments. In S. Walklate (ed.), *Routledge handbook of victims and victimology* (2nd ed.). Abington: Routledge.

Rossner, M. & Bruce, J. (2018). Trajectories and typologies of pre-sentence restorative justice rituals, *Australian and New Zealand Journal of Criminology*, 51(4). doi: 10.1177/0004865817749263.

Scherer, K.R. (2005). What are emotions? And how can they be measured? *Social Science Information*, 44(4), 695-729. doi: 10.1177/0539018405058216.

Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G. & Sorsby, A. (2007). *Restorative justice: the views of victims and offenders. Third report from the evaluation of three schemes*. London: Ministry of Justice Research Series, 03/07.

Sherman, L. & Strang, H. (2011). Empathy for the devil: the nature and nurture of revenge. In S. Karstedt, I. Loader & H. Strang (eds.), *Emotions, crime and justice* (pp. 145-167). Oxford: Hart Publishing.

Strang, H. (2001). Justice for victims of young offenders: the centrality of emotional harm and restoration. In A. Morris & G. Maxwell (eds.), *Restorative justice for juveniles: conferencing, mediation and circles* (pp.183-193). Portland: Hart Publishing.

Strang, H., (2002). *Repair or revenge: victims and restorative justice*. Oxford: Clarendon Press.

Strang, H., (2012). Conclusion: emerging practice and future directions. In J. Bolitho, J. Bruce & G. Mason (eds.), *Restorative justice: adults and emerging practice* (pp. 231-239). Sydney: Sydney Institute of Criminology Monograph Series.

Toews, B. (2006). *The little book of restorative justice for people in prison*. Intercourse, PA: Good Books.

Umbreit, M. & Armour, M. (2011). *Restorative justice dialogue: an essential guide for research and practice*. New York: Springer.

Umbreit M.S., Coates, R. (2001). The impact of victim offender mediation: two decades of research. In M.S. Umbreit (ed.), *The handbook of victim offender mediation: an essential guide to practice and research* (pp. 161-178). San Francisco: Wiley.

Van Stokkom, B. (2002). Moral emotions in restorative justice conferences: managing shame, designing empathy. *Theoretical Criminology*, 6(3), 339-360.

Wagland, P., Blanch, B. & Moore, E. (2013). Participant satisfaction with youth justice conferencing. In *Crime and Justice Bulletin: Contemporary Issues in Crime and Justice*. Sydney: Bureau of Crime Statistics and Research.

Walters, M. (2015). ‘I thought “he’s a monster” … (but) he was just … normal’: examining the therapeutic benefits of restorative justice for homicide. *British Journal of Criminology,* 55(6), 1207-1225. doi: 10.1093/bjc/azv026.

Zehr, H. (2005). *Changing lenses: a new focus for crime and justice* (3rd ed.). Scottsdale: Herald Press.