

Victimization
in a
multi-disciplinary key:
Recent advances in victimology

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Feelings that Offenders Have Towards their Victims: Role-overlap in intimate partner violence

Alline Pedra Jorge-Birol and Marcelo Aebi¹

1. Abstract

In the field of victimology, the literature on the relation between prisoners and victims is very scarce. Researches about the relationship or interaction between the offender and the victim before the crime are frequent. However, after conviction it seems that the interest for this relationship is over, whereas the interaction itself is not necessarily over. Some prison workers, mediation or probation services promote meetings between victims and offenders of which impacts are reported to be positive to the healing process of both. This paper pretends to provide information about the feelings that offenders have towards their victims, highlighting the positive aspects of verbalizing such feelings. We conducted a qualitative study interviewing eight female inmates convicted of property and

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drug crimes which showed that common feelings are shame, remorse and guilt. Yet, some offenders blamed the victims for their contribution to the criminal act and others did not succeed in their attempts to contact the victim. However the ones who succeed declared to feel relieved. The interaction between these two participants increases the possibility of healing for both and therefore we agree with the promotion of a restorative and humanistic justice.

2. Feelings that Offenders Have Towards their Victims

As soon as the victim decides to report the crime to the police he/she loses the ownership of the case (Christie, 1977; Hulsman & Célis, 1997) and the control over the case whereas the crime is transformed into a symbolic and bilateral formal conflict between the state and the criminal, excluding the victim. “Conflicts are taken away from the original partners” (Kirchhoff & Baltes, 2003, 3). Meanwhile, victims are disregarded and have their interests neglected.

In most of the criminal justice systems victims are excluded from the criminal proceedings and uninformed about the evolution of the case, despite the efforts of the victims’ movement to bring justice to victims or victims to justice. In some cases, the judge may determine confrontation, and the victim may meet the defendant in the court room although not to have a dialogue about the criminal event but to accuse her or his and to bring evidence to the criminal lawsuit. There is a distance between the victim and the offender, not necessarily as a request of the victim, but imposed by the adversarial model of criminal justice.

Thus victim and offender, who were not strangers to each other before the crime, as it is demonstrated by several victimization surveys and other studies, become apart after the crime. In most of the criminal justice systems, victims and offenders are not given the opportunity to come together and to discuss about the criminal event. Restorative justice and mediation programs are not common ground and public policies in general are not oriented to victim-offender conciliation. Offenders and victims had experienced and continue to have different feelings about each other and are very rarely given the opportunity to verbalize those feelings or dialogue about the criminal event in a non-judicial or neutral atmosphere.

This paper pretends to demonstrate that contrary to the popular notion of “criminals belong to a world apart of the victim” and

“criminals are people without sympathy for victims”, victims and offender have an interaction before the crime in most of the cases. And even if strangers to each other, they have interests for conciliation. Based on field research, we will demonstrate that offenders have empathy to their victims and feel shame, remorse and guilt. Yet, some offenders blame their victims for contributing to the criminal act. However, all of them would like to meet their victims and have the opportunity to dialogue about the event.

Once the interaction between these two participants increases the possibility of healing for both, we believe that restorative and humanistic justice would contribute to the real meaning of justice for all, or for both offender and victim, and are from far better models than the classic model of criminal justice.

2.1. The relationship between the offender and the victim before the crime

Contrary to a popular perception of offenders as strangers to the victims, depending on the type of crime, closer examination reveals that most of crime victims knew their offenders before the aggression had occurred. Some even had a closer or intimate relationship with the offender. Statistics and the reviewed literature support this statement, as follows.

The International Crime Victims Survey 2004-2005 (Van Dijk, van Kesteren & Smit, 2007) revealed that offenders were known to the victim in about half of the incidents of both assaults and threats. The Bureau of Justice Statistics for the United States (U. S. Department of Justice, 2004) demonstrated that among violent crimes, 48.1% were committed by strangers and 51.9% by nonstrangers. Herman & Wasserman (2001) in a study on the role of the victim in the offenders' re-entry confirmed that victims know their offenders well.

Similar are the results of different researches or surveys on women victimization. Violence against women is primarily partner violence committed by a current or former husband, partner or date (Herman & Wasserman, 2001). "Regardless of age, race or ethnicity, or location of residence" (Jaquier, Fisher & Killias, 2006) women are most like to be raped or sexually assaulted by an intimate or someone they know, rather than a stranger (Gillioz, De Puy & Ducret, 1997; Killias, Simonin & De Puy, 2005). For example, the International Crime Victims Survey 2004 (Van Dijk et al, 2007) revealed that offenders were known to the women victims of sexual offences in half of the incidents. The European comparison for the same survey revealed that in cases where the perpetrator was known by name, it was an ex-partner (spouse or boyfriend) in 22%, colleague or boss in 17%, current partner in 16% and close friend in 6% of the cases (Van Dijk, Manchin, van Kesteren & Hideg, n.d.).

Regarding homicide, many criminological studies found that it is a crime which occurs often among people who knew each other before the criminal act, more than that, people who were closely related. Homicides appear to be more often a result of a victimogenic relation established before the offence than a result of sudden conflicts (Separovic, 1985).

As for crime against juveniles, Herman & Wasserman (2001) pointed out that 80% of juvenile victims had declared that the offender was a family member or an acquaintance.

Indeed, to know the offender seems to be a pattern in case of personal crimes of violence. On the contrary, due to the nature of the offence itself, most of the victims of property crimes did not know their offenders in advance (Van Dijk et al, 2007).

In sum, although the popular notion of offenders is that they are strangers away from one's world, it seems that they are much closer than we think and sometimes even sleeping in the same bed.

2.2. The interaction between the offender and the victim after the crime

What happens after the crime? As we mentioned before, in most of the cases victims and offenders come apart after the criminal act. On the one hand, as a result of the penal proceedings, on the other hand as a voluntary decision of the victim. The reader might be however wondering if victims would like to meet their offenders. Some studies concerning restorative justice and mediation programs provide such information. For example, according to Umbreit, Bradshaw & Coates (1999) 60% to 70% of the victims of property crimes and minor assaults wanted to have contact with the offender. In the same study, victims of attempted homicide, sexual assault and survivors of murder had also requested the opportunity to meet the offender, although in a lower prevalence and many years after the crime. Likewise, the second British Crime Survey revealed that 49% of victims would have accepted to meet the offender, one third of whom where victims of violent crimes (Reeves, 1989). The 1999 Canadian Social Survey also revealed that 51% of the victims would be interested in participating in restorative justice programs (Wemmers, 2003) although victims of property crime are more interested than victims of personal crimes.

Other studies highlighted the interest of the victim to receive apologies rather than financial compensation of the harm. The contact with the offender means having the possibility to ask questions, understand the event and analyze the criminal event from a rational point of view. Learning the reasons behind the criminal event, hearing a sincere admission of responsibility, observing remorse in the offender and receiving apologies are possibilities raised by restorative justice which often have a positive impact in the healing experience of the victims (Bazemore, 1999; Dignan, 1992). It is important for the victim to learn more about the offender and to

learn how the crime came about (Reeves, 1989; Wright, 2003), as well as it is important to the offender to learn more about their victims and to be apologized. Both are things which are unlikely to happen in the classic model of criminal justice. Often, it is more important than substantial or financial reparation (Van Dijk, 1986; Marshall & Merry, 1990). Statistics on what comes out from mediation programs in Britain confirm this statement: of the agreements, 57% involved only an apology and 26% combined an apology and another form of reparation, such as financial (Bazemore, 1999). It is important for the victim to learn more about the offender and to learn offenders' reasons for committing the crime (Reeves, 1989).

However, practice shows that the contact between victims and offenders is already being promoted by different criminal justice systems. For example in the United States members of penalty execution or probation services organize conferencing in prison, which means bringing the victim together with the offender in order to discuss the offence in a safe atmosphere and create a favourable environment for apologies. In Switzerland, for different reasons, lawyers and prison staff encourage offenders to write letters to their victims, explaining their reasons for having committed the crime and asking for apology. As a result, after having received the letter, some victims had voluntarily contacted the prison and had asked for a meeting with the offender.

Yet, the feelings that offenders might have towards their victims is an issue that lacks of interest. As far as we could see, most studies conducted are from the point of view of the victim and their feelings before or after such kind of meetings with the offender. For example, Wemmers & Cyr (2005) in a study about the therapeutic effects of mediation between victims and young offenders observed that 90% of the victims agreed that the mediation program was a good initiative and declared to feel safe prior to the meeting. Furthermore a bit more

than a half (54.5%) declared that the participation in the program helped them to put the event behind; 64.1% declared they felt better after having met the offender and most victims declared that they had benefited psychologically from the meeting. These results reinforce the argument according to which victim-offender meetings are positive to the victim rather than a further exposition to trauma or secondary victimization.

However more knowledge on such interaction from the point of view of the offender could be helpful for the rehabilitation process of both victims and offenders. As a result, we decided to study the feelings that offenders have towards their victims. In order to gather this information, we interviewed eight female prisoners convicted for property and drug-related crimes.

Below are the research questions:

- What was the motivation for having committed a crime?
- What kind of relationship the victim and the offender had before the crime?
- What are offenders' feelings towards their victims?
- Was there any kind of contact between the victim and the offender after the crime?
- Did the offender repair or compensate the harm or damage to the victim?

3. Research design

3.1 Method

Qualitative methods are particularly advantageous when the topic of interest is difficult to discuss and when dealing with a sensitive subject. Agreeing with Strauss and Corbin (1998) the qualitative method can be applied in order to obtain the details about phenomena such as feelings and emotions that are difficult to learn or extract through more usual or traditional methods of research. Moreover, employing the qualitative method, researchers are more likely to get closer to the individual's perspective through detailed interviewing and observation and to give rich descriptions of the social world (Denzin & Lincoln, 2005).

The object of this research – offenders' opinions towards their victims – is delicate and difficult to discuss, requiring sensitivity during investigation. Certainly, the material derived exclusively from a qualitative research has to be treated with the utmost care once the information given by the interviewee is likely to be based on personal and subjective opinion. However, the results showed in this study can be interpreted as an indication of what practice may be like (Brienen & Hoegen, 2000).

For this reason, the qualitative method is more appropriate. Moreover, it is a method characterized by the search for meaning and understanding, which fits the theme under study ideally because certain research questions would not be replied to with other methods.

Thus, the source of information was basically interviews, which were held in a semi-structured way. The original protocol of interview was designed to collect descriptive data, enabling the participant to reply with freedom and to give more details about the phenomena in study. Some of the questions were elaborated with the option of a

multiple choice list of replies in order to facilitate the researcher to find patterns. However replies that were different from the suggested multiple choice list were respected and considered in the descriptive analysis.

Interviews were of approximately one hour in length and were conducted in French. Interviews were not authorized to be recorded. In this case, the researcher was careful enough to make notes about the major points of discussion, during the interview, as well as to do debriefing notes after the interview.

Those notes were afterwards analyzed following the method of content analysis suggested by Grbich (2007), Silverman (2006) and Taylor (2005).

3.2. Field description - La Tuilière

The research was conducted in the female prison *La Tuilière* which is situated in the city of Morges, in Switzerland. This is the only prison with a sector for women in the French-speaking part of the country. The selection was based in two major aspects:

- *La Tuilière* is known in Switzerland for its best practices in what concerns the rehabilitation of prisoners;
- The social workers responsible for the female section had already experience with victim-offender mediation or conferencing. Female inmates are encouraged to write letters to their victims demanding excuses and explaining their reasons for having committed the crime and in some cases, victims are invited to visit the offender in prison.

La Tuilière has place for 50 female inmates. At the time of this research (August 2005) there were 43 female inmates, among which

27 were convicted and the others were under pre-trial detention.² They were in majority young, varying from 18 to 30 years old and foreigners coming from other countries in Europe, particularly Eastern Europe and Africa.³ Drug trafficking and consumption are the most frequent crimes which inmates were accused of. Among 27 convicted women, ten were convicted for drug dealing and seven for drug consumption. The majority of women involved with drug dealing had committed the crime in small scale by selling cocaine or heroine in discos and bars. Others had transported drugs in small quantities from abroad to Switzerland and were caught by the immigration police at the Geneva airport.

Crimes against property and drugs are related. Of seven women charged as drug users, five had also been convicted of property crimes that have been committed allegedly under the effect of the substance. All women convicted of drug-use were treating the addiction with methadone.⁴

3.3. Sample selection and description

For security reasons alleged by the director of the prison, we had contact only with women who had been already convicted. Our first expectation was to interview 14 convicted inmates who had committed personal crimes of violence and crimes against property. These 14 inmates were selected through their personal files where one can find the description of the offence that they were convicted

² At this point it is important to highlight that in the year 2006 in Switzerland, 5.7% of the population in prison and 14% of the convicted were females (Office Fédéral de la Statistique, n.d.)

³ Statistics for 2006 in Switzerland show that 69% of the population in prison is foreigner (Office Fédéral de la Statistique, n.d.).

⁴ Methadone is a synthetic narcotic used as medication for the treatment of narcotic withdrawal and dependence. It has been used to treat opioid addiction.

of. These inmates had either physically or psychologically offended someone; they had committed a crime against an individual victim reason why their experience would fit to the research questions.

However, after discussing the aims of this research with the director of the prison, we reduced to the number of eight. The criteria for selection were: inmates who had recognised or confessed the crime, inmates that were psychologically stable and who had accepted to participate.

Finally, eight female inmates participated in this study. Seven were ranging from 27 to 40 years old and one was 52 years old. Four were Swiss and four were foreigners. Concerning charges, three had been convicted of theft, one of theft followed by assault, one of fraud and one of robbery. The last two respondents were convicted of drug trafficking. Although it is an offence whose victims are the society and the State, not an individual, these two inmates were appointed as potential participants by the director because they had declared to recognise their victims in the drug-users that they had met in prison. They were sensitized by the physical and psychological diverse reactions that drug-addicted inmates had had due to drug abstinence and after the suggestion of the director, they volunteered to participate and to report their experiences and feelings towards the victims of drug-addiction.

Inmates interviewed were sentenced with two to five years of imprisonment in average. Judges had considered not only the criminal act with a victim, but also recidivism and other numerous crimes they had committed. However, for the purpose of the interview, we asked the inmates to focus on the personal crime that they had committed.

4. Results

4.1. Case histories: crime description and offenders' sentences⁵

Nadia, 27 years old, Swiss, was convicted of robbery and drug trafficking and sentenced to 30 months in prison. Under the influence of drugs, she attempted to steal an overcoat from a department store. She entered the shop; she took an overcoat from the hanger and hid herself in the restrooms. One of the shop sellers realised and followed her. The seller arrived at the restrooms and threatened her by calling the police. She panicked and injured the seller by using a pepper spray. However, the victim succeeded to grasp Nadia and called the police.

Savia, 32 years old, Swiss, was convicted of theft and sentenced to two months in prison. In fact, she found out a very easy way to gain some money in order to maintain her drug-addiction. Carefully, and with the help of a partner, she used to enter at a Hospital in Lausanne, go to the employees' restrooms and steal from the employees' lockers personal values such as jewels, money and credit cards. She was captured after the third theft, just by chance. While she sat in a corner next to the Hospital and was sharing the gains of the theft with her partner, a police officer passed by. He suspected and arrested both.

Carine, 32 years old, French, was convicted of theft and drug consumption and sentenced to ten months in prison. She had no money to feed her addiction. While she was chatting with a friend in a bar she profited from her friend's trust and stole a bank card from

⁵ The names mentioned in these case histories are pseudonymous.

her purse. They said goodbye to each other and Carine went to the bancomat to take money from her friends account. She took the sum of 1,000 Swiss Francs from her friends' bank account. The day after, her friend realised that she had been robbed and made a complaint against her to the police.

Catrine, 35 years old, Swiss, was convicted of pick pocketing and purse snatching of five victims. She was also convicted of assaulting the police officer who captured her. She was sentenced to 18 months in prison. She did not give further details on how she proceeded in each of these criminal actions.

Sabine, 30 years old, Turkish, was convicted of robbery, drug consumption and sentenced to three years and six months in prison. She needed money to feed her drug addiction so together with a friend, they entered a small coffee shop and asked for money from the cashier. She threatened the victim by saying that she had a syringe filled with HIV infected-blood. The victim was paralysed and did not give the money. She became furious and injured the victim with the syringe. Finally the victim gave the money and they ran away.

Maria, 53 years old, Spanish, was convicted of fraud and sentenced to 18 months in prison. She used to convince elderly people to give her some money by saying that she would make investments in the stock market. Once she did the same to a friend, who suspected of her loyalty and reported to the police. The police then informed the victim that the offender was used to commit the same fraud against other elderly people.

Denie, 38 years old, Brazilian, was convicted of drug trafficking and sentenced to two years in prison. It was her first trip to Europe in the

company of her Italian boyfriend. He convinced her to help him to transport one kilo of cocaine from Brazil to Switzerland. He promised her they would get an amount of 20,000 Swiss Francs. The drug trafficking was not noticed by the immigration police at the airport. They arrived at the hotel where they would stay and her boyfriend went out with the intent to deliver the drug to the buyer. However, the buyer was being observed by the police and her boyfriend was caught. Hours later, the police arrived at the hotel as a result of her boyfriend's deposition and also arrested her for drug dealing.

Dani, 38 years old, Italian, was convicted of drug trafficking and sentenced to two years in prison. Dani began her career as a drug dealer when she was 15 years old. She used to sell cannabis at her school in Italy but in a small scale. When she came to Switzerland, she improved her skills and became one of the most popular drug dealers in Lausanne. She was caught by the police and charged for selling cocaine.

4.2. Crime from the rational point of view: the reasons behind the crime

Most of the offenders declared to have committed the crime for money. In four cases, the crime was drug-related because they needed the money to feed their addiction. One of these offenders added that she had committed the crime only because she was under the effect of drugs. The other three offenders declared that they were seeking for easy money but they were not drug-addicted. One of the offenders convicted of drug trafficking highlighted that besides the money, trafficking gave her a sensation of power over other people, reason why she enjoyed committing.

4.3. Victim's selection: the occasion makes the thief

Two offenders had declared that they had a relationship with the victim before the crime. Victim and offender were friends and offenders profited from the opportunity and from victim's trust.

Four offenders had selected their victims just by chance. For three offenders, the selection was not even based on the victim but on the local where the victim was placed. For example, in one robbery, the crime scene was a coffee shop. The offender declared that it was very early in the morning and there was almost no one in that particular coffee shop. The cashier was not selected as a potential victim but the coffee shop. However, things did not turn as she had imagined and although she had planned only to threaten the cashier, she became nervous and injured the victim. Another example, in the case of the thefts in the Hospital, there was lack of security and facility to enter in that establishment. The offender had never met the victims before court trial.

4.4. Feelings that Offenders Have Towards their Victims

After a thematic analysis, we concluded that the more frequent feelings are shame, remorse and guilt.

Both offenders convicted of theft were full of remorse. In one case, the offender was regretful because she knew that the money stolen was victim's monthly income, which would be needed for her living expenses. She wished she could "turn back the clock however it is too late." Another offender convicted of robbery of the department store was ashamed of the victim. One more offender convicted of robbery was ashamed as well as afraid of victim's reaction and the possibility of revenge once she is released.

The two respondents convicted of drug trafficking declared that they feel depressed every time they look to the females which are in prison

for drug consumption. By witnessing the effect of drugs and the consequences of the abstinence to the body of those addicted, they think about the harm people like them, drug dealers, do to drug-users. One offender declared that now she understands what addiction means and feels compassion for drug-users. Besides, she pretends to work for the benefit of drug-users once she is released.

At the same time, offenders have a tendency to blame their victims. For example, one offender declared that the victim should have given the money from the cashier when she had asked once it was clear from offender's appearance that she was drugged. If she had been prudent and had given the money, she would not have hurt the victim with the syringe. In the case of fraud, the offender declared that because of victim's mistrust, she was sent to prison. In effect she had asked for money for other elderly people and she had misused this money but she would not do the same with her friend's money. Even though, they are still friends, the victim frequently visits the offender in prison and the offender declared to feel compassion towards the victim because "she is an old and alone woman." The offender who had stolen money from the employees of the hospital declared that "I am upset with the victims". Even though she had returned to victims their properties, they had not withdrawn the complaint and had not showed any sign of forgiveness. According to her point of view, since there was no loss or damage, victims could have withdrawn the complaint. Furthermore, she expected compassion from the victims because they knew that she was drug-addicted.

It is important to highlight that two of these offenders who 'blamed' their victims, were not able to have contact with them. This suggests that the process of acknowledgement of the harm and reflection about the criminal act might be motivated by the interaction with the victim.

4.5. *Offenders compensating the harm or the damage*

Three offenders were also sentenced to compensation. One offender had to pay for the overcoat that she had attempted to steal. Other two offenders had to pay a certain amount of money to the victim every month. These payments are directly deduced from offenders' salary for working in prison.

Besides restitution or financial compensation, in order to reduce or repair the harm, offenders tried to have contact with the victims in order to apologize. For this, they had two choices: ask for apologies during their deposition in court or write a letter of excuse.

At the prison *La Tuilière* inmates were encouraged to write letters to their victims explaining their reasons for having committed the crime and apologising. The social worker and the psychologist who work in the prison are responsible to contact the victims, explain the program and to ask for permission to send the letter.⁶ As a result of this program, three of the offenders had written such kind of letters.

In one case, the victim visited the offender in prison and tried to withdraw her complaint. However she did not succeed because robbery is a crime prosecuted *ex officio* and independent on victim's complaint

A second offender also convicted of robbery was not so luck. Her letter had not even been sent to the victim because contacted by the social worker of the prison, she did not accept and declared to be terrified. The offender regretted and apologized during her deposition in court, although not in the presence of the victim who clearly did not accept the confrontation.

⁶ This is a good practice because such kind of letters can do more harm if the victim is not expecting or not willing to receive anything from the offender.

A third offender had written letters of excuse to the six victims of theft, among which, two withdrew their complaints.

It is also important to highlight, as informed by the prison officers, that judges responsible for these cases considered these letters of excuse as a show of remorse and regret. These letters of excuse meant that the offender thought about her acts and decided to change her life style; they were a sign of criminal's rehabilitation. They certainly had an impact in the judge's decision to allow some benefits to the prisoners, such as spend holidays or weekends with their families at home or work in prison. Even though this practice can turn to offenders' benefit we did not observe in the offenders a tendency to write such kind of letter only in order to receive a label of 'good behaviour' or some benefits. On the contrary, the offenders who had had the opportunity to contact their victims by the means of a letter or personally, had done this because of an intimate wish to be forgiven, to reduce their feelings of guilt and to feel relieved.

5. Discussion

Contrary to a popular perception, researches reveal that in most of the cases, victim and offender know each other, except for property crimes which is a crime committed usually by strangers to the victim.

However, independently of the former relationship between the victim and the offender, studies concerning mediation and restorative justice showed that victims are willing to have further contact with their offenders. The personalization of the conflict proved not to be of damage to the victim. On the contrary, it proved to contribute to the victim's healing process and even more than the traditional model of criminal justice (Koss, Bachar, Hopkins & Carlson, 2004).

For these reason, victims are open to a dialogue with the offender mostly in case of property crimes and minor assaults, but also in case of attempted murder or sexual assault, although in a lower prevalence. The purpose of this interaction would be at one, to contribute to the victims' understanding of the event and at two to give both offender and victim an opportunity to discuss about their feelings towards each other, thus solving the conflict and contributing to their healing process.

In this study we looked into practice and we tried to identify some patterns concerning the interaction between the offender and the victim after crime, particularly in case of property and drug-related crimes. Besides the small size of the sample, the qualitative method enabled the researcher to gather descriptive information which can provide some indications for future studies.

On the one hand, results showed that the more frequent feelings of offenders towards their victims are shame, remorse and guilt. On the other hand, blaming the victim is also a common reaction of offenders. We also observed that, encouraged by the psychologist and social workers of the prison or as a result of judge's decision, the

majority of the offenders tried to repair the harm/damage or apologised for the crime they had committed. Offenders had written letters of apology, had returned victims' stolen properties and had paid for compensation. And this is what victims are seeking for: apologies and understanding about the criminal event, which is often more important than substantial or financial reparation.

In the traditional model of criminal justice, the State steals the conflict from the victim. As a result "the offender has lost the opportunity for participation in a personal confrontation, and to receive a type of blame that would be very difficult to neutralise" (Christie, 1977, 9): the blame which appears when the offender is introduced to the real, not the legal, consequences of the crime.

A formal criminal trial or judicial punishment is unable to ensure that offenders will become aware of the harm that they have caused. Furthermore, it meets few of victims' needs. Victims need healing; they need to be repaid, they need to restore their sense of security that comes from receiving care and support from the community and sometimes from the reconciliation with the very same people who have hurt them (Ness, 1990). Crime is more than lawbreaking and justice should be healing, although "when people harm each other, the criminal justice system may not be the only, or the best, way of helping victims, and it can even make things worse" (Wright, 2003, 173).

For the reasons outlined in this paper, criminal justice should propose more and different ways of interaction between victim and offender after crime. "Victim-offender mediation or dialogue provides victims with the opportunity to confront their offender in a non-judgmental forum, receive answers to questions and to develop a plan to attempt to repair the harm to the greatest degree possible." (Bazemore, 1999, 313)

The myth of the criminal as a powerful or threatening person shall be dismissed and meeting the offender in a safe atmosphere can enable

the victim to see the criminal as an ordinary person. This might help to reduce victims' feelings of powerless and fear. This impact was already observed by Sherman et al. (2005, 391) in a randomized study on the effects of face-to-face restorative justice, who reported that conferencing "succeed in 'normalizing' victim contact with an offender, as required by Cognitive Behavioural Theory, in order to make discussion of the crime and the nature of the criminal a topic less threatening by virtue of becoming more familiar."

Offenders shall be ready to reply to victims' questions about why they were victimized and to explain their acts. Moreover, offenders' apologies might help the victim to understand that:

- His or her contribution, if so, was not essential to the criminal act to occur;
- The event was not under her or his control but under offenders' control;
- He or she would be unable to avoid the event.

This process might contribute to decrease victims' feelings of guilt, thus put the past behind and continue with his or her life. It might also help for the process of rehabilitation of the offender whose feelings of shame and remorse might be dispersed with the forgiveness of the victim. The function of forgiveness in particular has been studied and while anger often remains even after economic reparations and punishment, forgiveness is gaining recognition as a powerful therapeutic tool for releasing anger and resentment (Gehm, 1987). Harris, Walgrave and Braithwaite (2004) note that an apology can sometimes represent the turning point. By asking for forgiveness, the offender recognizes the victim as a bearer of rights while recognizing his or her own guilt and wrong doing. The roles are thereby reversed: "whereas the offender exercised power over the victim in the offense it is now the victim who has the more decisive power" (p. 202, 203), to accept or refuse the apology. This empowers the victim who may feel restored in dignity and citizenship,

contributing to his or her well-being. Umbreit et al (1999) adds that “there exist many anecdotal stories from victims and offenders who often speak of their participation in a mediated dialogue as a powerful and transformative experience which helped them in their healing process.” (p. 328).

Therefore bringing people together or the model proposed by the restorative justice could be an alternative to the classic model of criminal justice. Restorative justice brings to the center of the discussion the harm which crime had inflicted upon the direct or indirect victims (Walgrave, 1999) and provides for “accountability because it creates awareness in offenders of the harmful consequences of their actions for victims and requires them to take action to make amends to victims” (Friday, 2003). Whereas the classic model of criminal justice takes into account mainly, the damage that crime provokes to the social and legal order. Bringing people together means provide a range of opportunity for dialogue and for reestablishment of emotional and material losses.⁷ The key element is interaction between the participants in a safe environment, focusing on acknowledging the past hurt and the emotions it has generated, disabusing stereotypes of each other and providing a future orientation which is mutually discussed and agreed upon (Shapland et al., 2006). Resolution is therefore achieved by the mutual agreement of the two parties.

Strang (2002) affirms that restorative settings or relational justice more often provides the opportunity to confront one another directly and thus for synergy of emotion than traditional courtroom justice. The purposes of this interaction would be to contribute to the victims’ understanding of the event and to give both offender and

⁷ During lecture “Corrections-Based Victim Services and Victim Awareness Programs” at the 2nd North American Post Graduate Course on Victimology and Victim Assistance, World Society of Victimology and University of Central Florida, 13-25 August, 2006.

victim an opportunity to discuss their feelings towards each other, thus resolving the conflict and contributing to their healing process. Either reestablishment of emotional losses of victims or accountability can only be met if criminal justice works for the rehabilitation of victims and offenders, that is to say with emotions. Having said that, offenders should have the opportunity to declare their feelings to their victims and victims should be given the opportunity to ask questions to offenders and understand his or her reasons for having committed the crime. Moreover, offenders should be exposed to the real consequences of their actions and therefore acknowledge responsibility.

Emotions are the essence of human beings. By excluding personal contacts during criminal proceedings or after the conviction, criminal justice neglects the feelings of the people involved in the conflict. It also excludes the humanistic character that it should have and that is necessary for resolution of the conflict, not only in paper, but in people's minds and hearts. In other words, working more with emotions may allow us to reduce the cruelty of both offenders and criminal justice system (Sherman, 2003).

This is what is called by Umbreit et al. (1999) as humanistic mediation, which is grounded in a paradigm of healing and peace making. "The new paradigm criminology could build is one in which a justice system becomes emotionally intelligent in all of its interactions with suspected, accused, and convicted offenders, as well as victims, their families and communities." (Sherman, 2003, 25)

The personalization of the conflict is not harmful to the victim. As far as both victim and offender agree to meet and this confrontation is organized in advance, both being prepared and the victim supported during the meeting, the risk of secondary victimization is not higher than in the classic model of criminal justice. After all, confrontation between the victim and the offender also happens in the classic

proceedings of the court.⁸ Victims and offenders should also receive proper debriefing after such a meeting.

For a victim's rehabilitation, however, it is important that the model of restorative justice applied not be offender-centered (Johnstone, 2002). This means that it should not function in order to enhance the offender's rehabilitation or in order to reduce his or her charges. Indeed, it is a risk that should be considered since restorative justice stems not only from the victims' movement for the reorientation of the criminal justice system towards the victim (Zedner, 2002) but also from the abolitionist movement⁹ (Wemmers, 2003). Restorative justice should aim to resolve the conflict, which means finding a balance between offenders' and victims' needs and expectations. "It cannot be part of a standard sanction because it can be offensive to the victim, or the victim can believe that the offender excused himself for the purpose of receiving some benefits, or a lesser charge, from criminal justice" (Bazemore, 1999, 311).

Wemmers (2007)

As far as both victim and offender have agreed to meet, the risk of secondary victimization, augmentation of fears or post-traumatic stress is reduced for the victim, as well as the probability of healing is increased for both. Victims should be aware that they may feel better and that their point of view might be taken into consideration by the offender, but there is not guarantee of this (Wright, 2002). Anyhow, it is a risk that might be taken under the circumstances that victims and offenders are prepared for engagement in a dialogue in advance to the meeting. Besides, the classic model of criminal

⁸ Although lately judges have been trying to avoid it, mostly in the case of sexual offenses.

⁹ The abolitionist movement proposes the abolition of the prison system and the criminal justice system. For more on this topic, see Hulsman, Louk & Célis, Jacqueline Bernat. *Peines perdues - Le système pénal en question* (1982). Paris: Edition du Centurion.

justice with its disregard is definitely not less traumatic for the victim than a victim-offender mediation or conferencing.

Crime is more than lawbreaking. Crime is more than damage or harm to the physical integrity or property of a person. It is also harm to the belief of security and control that people think they have over their lives. Thus justice should be more than punishment or restitution; justice should be restorative in a broader sense and healing. Justice should be therapeutic. Justice should be an instrument of healing and rehabilitation (Wexler & Winick, 1991; Wexler, 1991; Winick, 2008). For this purpose, justice should consider and work more with emotions as they are the essence of human beings (Sherman, 2003; Umbreit et al, 1999). The criminal justice system should embrace a humanistic approach according to which the proceeding would involve the different parts of the conflict – offender, victim and state – with the aim of finding explanations and restoring emotional losses, rather than only punishing offenders.

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