

Restorative justice in prisons: responsibility, restoration, reintegration, rehabilitation

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Preface

This paper is based on a combination of participant-observation within high security prisons in England following my wrongful conviction and study since my release on appeal of research which might help to explain what I observed. Though it draws on my experiences in the company of male prisoners, I have included any evidence relating to female offenders that I have encountered in my research. It is offered as a framework for further research into the potential for restorative justice processes in prison and in particular with serious offenders.

Part I.

Responsibility

1. Victims and offenders

Victims and offenders normally come from the same community and often from the same family; they may themselves be both victims and offenders (Sanders and Young, 2007) but they are thrown into a ‘profound . . . uninvited, unhealthy, and deeply resented, relationship . . . born of the criminal event itself’ (Marshall, 2005, p. 6). Their reactions to the offence are influenced by common human responses to stressful situations: denial, heightened and oscillating emotions, guilt, anger and adaptation (Osterweis et al., 1984; Parkes, 1998).

Denial is a well-known process induced by, among other things, ‘illness, injury and loss’ (Horowitz, 1982). It is a natural, and necessary, part of being a human being; if we allowed the seriousness of an accident to overwhelm us the moment it happened, we would be unable to call for help or assist anyone at the scene and people would die because we were being overwhelmed. Denial helps us to cope with the immediate aftermath of a shock and to come to terms with the emotional impact of a situation gradually. Denial can last for a few seconds — as when someone we least expect pays us a compliment — or for several years in the case of some major shocks.

Denial can create difficulties for victims, for offenders and for those concerned with them; unless there has been a time lapse between an offence and an arrest for questioning, it is likely that denial will influence an offender’s initial responses. How long this will last will depend on many factors, the seriousness of the allegations, the ways which offenders have developed over time to deal with difficult situations and the sort of support that they are receiving from others, particularly family and friends.

1.1. Victims

Victims vary from those who are ‘forever scarred’ to those who are ‘seemingly untouched’ by almost identical experiences (Dziech and Hawkins, 1998, pp. xvi, xvii). A small number of victims forget the offence (Loftus and Davis, 2006); some rise above it, many experience adverse consequences such as

- material harm, including financial loss and ill-health
- emotional harm such as fear of re-victimisation or re-offending
- anger
- loss of confidence and trust
- shame

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which can be lessened by restorative justice (Strang, 2002); a few suffer permanent harm. Maas and Kuypers (1974) found that those better able to deal with stress had experienced moderate stress in the past.

In other words, an offender can never know the amount of stress they are causing by their offence nor the time it might take the victim to recover and the use of ‘victim impact statements’ in court is unlikely to add any ‘fairness’ to dealing with an offence or its consequences.

Strang (2002) found that victims of criminal offences want:

- a less formal process where their views count
- more information about both the processing and the outcome of their cases
- to participate in their cases
- to be treated respectfully and fairly, to be accorded dignity and respect and to have their views represented
- material restoration and
- emotional restoration and an apology.

Marshall (2005) argues more generally that victims have seven needs:

1. a safe space to speak of their experience
2. validation and vindication
3. answers to their questions
4. genuine truth-telling
5. empowerment
6. restitution or reparation and
7. hope of a better future.

1.1.1. A safe space to speak

As victims go through the period of heightened emotion from denial to adaptation which can include strong feelings of despair, guilt or anger, the intensity of these feelings can be very frightening. They may think they are going mad when in reality they are simply going through the normal human reactions to a very stressful situation. They need a safe space in which they can give vent to these feelings, not with the intention of turning any of them into action, but in order to enable them to acknowledge the reality of those feelings and the need to deal with them in ways which will not make victims of anyone else. This can be difficult for

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- men who in some cultures are supposed to keep their feelings under control and who normally think about ‘doing something’ (Tannen, 1992) to deal with their feelings
- women who do not have access to a peer group where norms of trust will protect them from exposure to others
- victims who do not feel safe from the offender and who may not feel that they can give vent to their true feelings without risking retribution from the offender
- anyone who goes through a criminal justice process which normally limits what and how a victim may speak about the offence and may subject the victim to hostile questioning about the event.

Whatever the obstacles to obtaining a safe space, these need to be overcome as without it the victim will find difficulty in moving forward.

1.1.2. Validation and vindication

To recover from victim-hood, former victims need validation that what they experienced was an offence, particularly where the alleged offender denies that an offence took place, and vindication that any decision they made to get out of a relationship was the correct one.

Former victims will experience difficulties if family members, members of their peer group or members of any organisation to which they belong do not share their view that what they experienced was an offence or that it was serious enough for the former victim to have taken the steps they have taken. Denial and victim-blaming often happen, particularly in cases where the offence was a random event, because others do not wish to believe that they could be a victim of such an event and so either deny that it took place or blame the victim for being in the wrong place at the wrong time (Dziech and Hawkins, 1998; Shaw, 2008)

In some cases they may find that the prosecuting authorities do not take their account of the offence seriously enough to bring proceedings against the alleged offender. In some cases their therapist may not think that what they suffered was very significant and suggest that, unless they can think of something more serious, they do not merit further treatment. In some cases they may join a victim support or survivors group and find that other members of the group claim to have had far more serious experiences of abuse than they have had and begin to feel that their experience of abuse was not really abuse at all.

In all these cases former victims become vulnerable to becoming victims yet again as they seek alternative routes to validating the offence, sometimes unconsciously creating false memories of more serious offences (Loftus and Davis, 2006), sometimes consciously creating more serious accounts of the offence as a way of gaining the validation they seek. By doing this they may gain validation of their status as victims but they do not gain validation that what happened to them was an offence because their status now depends

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not on something that happened to them but on something invented, consciously or unconsciously, and they thereby confirm their status as victims rather than as former victims.

Those who do not get validation that what they suffered was an offence can never move on to vindication but some of those whose status as a victim has been validated may still not find vindication. Family members, members of their peer group or members of the organisation of which they are a part may all agree that what they suffered was an offence but may not want the former victim to draw attention to what is going on or to expect others to change. Former victims need both validation and vindication to move on.

1.1.3. Answers to their questions

If they do not already know, victims want to understand how they came to be victims and, in some cases, how they came to be victims for so long. Even if they do know, they may still want to hear it from those who committed offences against them or who stood by while the offences were being committed. Only family members, members of their peer group or members of their organisation and the offender can answer these questions. Reconciliation between victims and offenders is often advocated for its benefits to offenders but victims stand to gain far more from it when the offender, whether convicted or not, is prepared to answer their questions honestly.

1.1.4. Genuine truth-telling

Former victims need to hear the truth in any answers they are given to their questions. Both offender and former victim may find this difficult and it may need to be phased over some time. It is not uncommon for some people to stand by knowing that offences are being committed but not feeling able for whatever reason to intervene. This may be very difficult for the former victim once they realise how many people were prepared to stand by but, if the former victim is to understand the current circumstances of the offence, they need to know about the behaviour of the others who were part of the situation.

They also need to hear the truth from the offender, not explanations or excuses or reasons for the offence, but a factual description of the circumstances of the offence from the offender's perspective and an account from the offender of how they now see those circumstances differently and so now realise that they did have an alternative way of acting in those circumstances. Offenders are sometimes encouraged to meet victims, not necessarily their own, before they have reached the point at which they have genuinely 'repented' or 'changed the way in which they think about something' and they may benefit from that meeting in the sense that it may help them to change the ways they think about their victim (Feasey and Williams, 2009) but it is far more important for the former victims to meet the offenders in their situations after they can show that they do now think about the circumstances of the offence differently because only that can give former victims the hope that the offender will never do it to anyone else again.

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1.1.5. Empowerment

Because being a victim is intensely dis-empowering, it can be difficult for some victims to take the essential step of deciding that they are not going to be a victim. So former victims need to be encouraged to take their own decisions about what they are going to do; this may be difficult in the initial stages when strong feelings of guilt and anger may be filling every aspect of the former victim's life. But once former victims have received validation and vindication, they need to be given the space to make their own decisions, not instructed to follow a formulaic process; apart from the initial needs of a safe space to talk and validation and vindication which really have to be met before former victims can move on, all the other needs can be met in any order and in a wide range of ways. Former victims should not feel dependent on anyone else to satisfy these needs but be able to find their own ways of satisfying them.

1.1.6. Restitution or reparation

Having been in a damaging relationship, former victims need help to repair the damage that has been done to their own relationships, not only with the offender but in some cases with those who may have stood by while the offence was taking place. Part of that repair may come in an apology from the offender or from others who stood by while the offence was taking place, an apology which is as important for the victim to receive as it is for offender or those who stood by to make (Strang, 2002).

Any apology must arise out of a change in the way the offender, or those who stood by, sees the offence and so recognises that they could have acted differently. An apology without any acknowledgement that the offender or those who stood by could have acted differently does not signify any change in the way the offender thinks about the circumstances of the offence and thus offers no hope to the former victim. An apology which acknowledges that the offender could have acted differently also signifies that the offender is taking responsibility for their actions and is saying that there was an alternative way of acting in those circumstances which the offender could have taken but did not.

An apology couched in these terms must be accepted. In accepting such an apology, the former victim is saying that s/he holds the offender responsible for the offence and that s/he acknowledges that the offender accepts that responsibility. If a former victim fails to acknowledge the value of an apology, s/he runs the risk of nullifying all the work the offender has done to get to the stage of accepting responsibility for their actions. Similarly an offer of restitution made in these terms must be accepted unless it is unrealistic or absurdly onerous in which case more realistic or reasonably onerous acts of restitution should be suggested.

1.1.7. Hope of a better future

Throughout the whole process of dealing with the circumstances surrounding the offence, former victims have to hope that they will

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- never be a victim again
- never be let down by those close to them
- never find themselves in the circumstances where someone is tempted to commit offences against them and
- be released from the bitterness and resentment that their experience has left them with.

Those who are unable to be released from their bitterness will remain vulnerable to becoming victims once again (Bettelheim, 1943).

From the offender, victims need hope from the assurance, born out of restoration with the offender, that no one else will suffer as they have. From society, they need hope that society will pay attention to the circumstances which contribute to offences taking place and will not respond to these circumstances with crude slogans which do nothing to change the circumstances in which the offences took place or to promote the rehabilitation of offenders.

1.1.8. Meeting victims' needs

Criminal justice systems normally fail to provide a safe space to speak and may not provide validation or vindication of the victim's experience because

- victims may be prevented by the needs of the judicial process from telling their story as they wish
- only a partial story may be presented because that is enough to achieve a conviction and
- victims may be subject to cross-examination which challenges their account of their experience (Sanders and Young, 2007).

So victims may, unlike those who have able to participate in a restorative justice process prior a judicial process, come to restorative justice processes in prison with a series of adverse experiences related to their victim-hood. It is not clear how far these experiences might impact on their approach to restorative justice in prisons.

However, to obtain answers to their questions and genuine truth-telling, they need to be able to meet an offender who has accepted responsibility for their offending and is able to enter into a new and constructive relationship with their victim(s).

1.2. Offenders

Typically those who commit a serious offence cannot immediately take in what they have done; many will say that they did what they did at the time because they thought it was the only way out of the situation in which they found themselves. So, even though they may 'know' that they committed the act, they do not see themselves as having

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Table 1.1.: Phases in Psalm 51

Verses	Phase
1–2	Denial of responsibility
3–6	Realisation; coming to terms with the enormity of what he has done
7–11	Asking someone else to sort the problem out
12–15	Bargaining
16–17	Acceptance of responsibility

committed an offence, sometimes because they did not set out to commit an offence or sometimes because they regard themselves as having been provoked into doing what they did by the circumstances of the situation in which they found themselves. Sometimes they have not yet accepted what they did in fact do because, if they did, it would change their whole self-image.

Committing a serious offence is a life-changing event, not just for the victim(s) and their families and friends but also for the offender, for their family, for their friends and for the communities of which they have been a member. Those who have been associated with a serious offender, particularly a murderer or a sex offender, will have questions about themselves and their relationships to answer both among themselves and from those outside. The offender will have to answer questions not just from the police and their legal team but also from fellow prisoners.

Just as the important thing in the aftermath of a car accident is to deal with its consequences, to tend the victims and clear the carriageway to prevent further accidents, so the important thing in the aftermath of a serious offence is to deal with its consequences rather than the circumstances of the offence itself. Denial offers a protective blanket for the offender to deal with the immediate consequences rather than the offence itself. While denial does not help the police to deal with offenders, its implications for the offender's family and friends and for the victim(s) and their family and friends are less clear cut because all of them are having to come to terms with the situation and almost certainly going through a phase of denial, however brief, as they come to terms with the consequences of the offence(s).

Thereafter, the phases in coming out of denial and coming to acceptance of responsibility follow a pattern similar to that described 3,000 years ago by David, King of Israel, in Psalm 51 (Table 1.1) after he had been confronted by the prophet Nathan over his seduction of Bathsheba and murder of her husband, Uriah. Accepting the caution in Osterweis et al. (1984) that we should think in terms of possibly overlapping phases, not all of which may be present in every case, we nonetheless have a framework which is attested in one of the earliest accounts of someone coming to terms with a serious offence and in modern accounts of coming to terms with a stressful situation (Osterweis et al., 1984; Parkes, 1998) which can give us some understanding of the place of denial in coming to terms with a serious offence.

Once the offender has moved out of the phase of denial to realisation of the enormity

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of what they have done, they may make strenuous efforts to mitigate the consequences of their actions in various ways but at this stage they are only accepting responsibility for the consequences of their actions, not for their actions. They may ask for help, for example, to have treatment for whatever caused them to behave in the way they did, or they may seek to bargain about the degree to which they were responsible before they reach the point of accepting their responsibility not just for the consequences of their actions but also for their actions.

Denial may get in the way of police investigations, may mislead family and friends and may distress victims but it is a phase. Virtually all those convicted of serious offences will pass through this phase and their passage through the later phases before they reach acceptance may be accompanied by what is often called ‘minimising’ but which is equally misunderstood.

‘Minimising’ in this case is a symptom of the difficulty the offender is having coming to terms with their realisation of the implications of what they have done. This may involve trying to find ways to reduce the significance of the event or their contribution to it to avoid having to accept personal responsibility for such a devastating act against others. In other words, it is a positive indication that the person has moved past the denial phase and is on the way towards acceptance. It may be some time before they reach acceptance but they are on their way. Minimising is not pathological, anymore than denial is; it is a normal feature of the phases between denial and acceptance.

Reaching acceptance may take years; some of the murderers who mentioned a time to me spoke of four years but others are known to have taken much longer. And it is not the end but rather the beginning of another process, that of finding out the person you want to be in future, the changed self-image you need for yourself after what you have done, as recounted by Anne Perry to Ian Rankin (2002).

Because a person guilty of a serious offence may initially deny the offence, some ‘not guilty’ pleas may arise from the speed with which a case is brought to court and the lack of time for the offender to come to terms with what they have done; but that is not an argument for delaying trials as we cannot predict how soon anyone is likely to come out of denial. Rather it is a plea to recognise that, just because an offender starts by denying their offence, it does not mean that they always will.

Occasionally a guilty person’s initial denial may lead family and friends to pronounce her/him ‘innocent’ and a guilty prisoner may become trapped in their family’s perception of them as ‘innocent.’ Whether because they fear distressing close family members or losing all support from the family by acknowledging their guilt, they never acknowledge it and are unable to make any further progress on the journey towards acceptance of responsibility.

Note that innocent prisoners may, like offenders, remain ‘in denial’ about the seriousness of their situation for many months after their convictions but, unlike offenders, what they are ‘in denial’ about is not an offence but the reality of their situation and until they begin to move towards acceptance of that reality, they are ‘in denial.’ They may, of course, be candidates for restorative justice if those who fabricated their convictions are prepared to acknowledge their guilt.

However, two groups of prisoners present particular difficulties in relation to restorative

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justice processes:

- those convicted of a combination of offences and
- those incapable of accepting responsibility.

1.2.1. Those convicted of a combination of offences

A person guilty of certain offences but convicted of one or more for which they are not responsible finds themselves in a complex emotional situation, in particular where they have had to wait some time for their case to come to court because, on the one hand, they may have got some, if not all, of the way down the road towards acceptance of their responsibility for the offences they did commit by the time of their conviction but, on the other hand, like the innocent prisoner, they may not have realised the implications of the other charges. So they may not have taken the trouble to defend themselves adequately or assumed that, because they were so open about the offences they did commit, they would not be convicted of the others.

In some cases, they may have decided to change their plea at the last minute, sometimes because they assumed, or were told, that changing their plea would get them a reduced sentence and they have already accepted that they are going to prison anyway for the offences they did commit and sometimes to spare members of their family the publicity that will be generated by a contested trial. In other cases, they have proceeded with the trial on the assumption that they would not be convicted of those offences.

The first group can be in immediate trouble because their family are stunned by the change of plea and don't know what to make of it but, however they come to have been convicted of offences they did not commit, the immediate problem is having to manage two parallel processes of moving to acceptance — one on which they may have embarked earlier and one which, even with a change of plea, is a new process; in some cases, the convictions for the offences they did not commit will have come out of the blue in much the same way as happens to an innocent person.

Unfortunately, they often find themselves indiscriminately described as 'deniers' or 'minimisers' which adds a further layer of confusion to the emotional turmoil through which they are already going. Unlike wholly innocent people, those who maintained their innocence of some charges throughout the trial are usually advised that there is no point in appealing against their convictions; this may heighten the feelings of anger they have at a system which, as they see it, is so blatantly unfair, particularly if they had pleaded guilty at the outset and co-operated fully in respect of the offences of which they were guilty. In a few cases, these feelings come to dominate their whole approach to their imprisonment, often with an adverse effect on their behaviour during their imprisonment and subsequent rehabilitation.

It is normally possible by listening carefully to what they are saying to be able to recognise that the ways in which they talk about certain offences are quite different from the ways in which they talk about the others and this should give a clue to the existence of the parallel processes and therefore of the possibility that, when they say they only committed some of the offences, they are in practice telling the truth. Indeed,

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one obvious clue is that they never ‘minimise’ the offences of which they are not guilty; since there was no offence for which they have to accept responsibility, there is no psychological benefit in ‘minimising’ a non-existent event. So, if a professional thinks they have detected ‘minimising,’ they need to listen carefully to the offences in respect of which they think that is happening; unless the prisoner is mentally disturbed, these will be the offences the person committed and the fact that they are minimising is a sign that they are on the way to accepting responsibility for those actions. Where there is no minimising, they have either accepted full responsibility or the alleged offence did not take place.

Note that this situation can have a damaging effect on the false victims who lied in court about offences that were not committed and who, once the prisoner has accepted responsibility for the non-existent offences, normally have no way of acknowledging their offending behaviour, not least because they will normally be threatened with perverting the course of justice if they confess their crimes. At least innocent prisoners may have their convictions quashed; with a partially innocent prisoner, that is almost never an option and false victims have to live with that for the rest of their lives.

1.2.2. Those incapable of accepting responsibility

Some prisoners are incapable, by virtue of adverse emotional experiences, of accepting responsibility for anything; typically, their unwillingness to accept responsibility is associated either with having been used as scapegoats, being ‘blamed’ as children for things that went wrong in the family that were not their fault, or with having internalised blame for what is going wrong in the world around themselves. This typically leads to them being rejected by their peers and missing out on positive peer group experiences which might have counteracted the adverse emotional experiences they were having at the hands of their parents or carers.

Though the evolutionary mechanism of denial may operate normally immediately after an offence, such prisoners never experience denial in the way that the other groups do because they are incapable of accepting any responsibility even for the consequences of their actions, good or bad, and this blocks the normal process of moving from denial to acceptance. These prisoners are easily recognisable because their inability to accept any responsibility for anything, while often being hypercritical of others, is visible in all their daily interactions, not just those related to their offences.

Unfortunately, they rarely receive any help in prison not just because they deny their responsibility for anything for which they might need help but also because the prison service tends to deny that any of its inmates are themselves victims and trying to deal with such deep-seated emotional damage is beyond the capabilities of most professionals in or out of prison. Rather than being dismissed as ‘in denial,’ they need intense psychological help to deal with the emotional abuse they have suffered; this is the only effective way of helping them to avoid committing further offences and the only way of restoring their emotional health to a state which would enable them to contemplate accepting responsibility for their actions. Given that they have spent most of their lives avoiding responsibility for anything, this is likely to take a long time and the easy option

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is incorrectly to dismiss them as ‘deniers’ rather than to see them as genuine victims who have never received the help they need to deal with their victim-hood.

Fortunately these form a small proportion of serious offenders and in most cases denial eventually gives way to realisation which is the prelude to the most difficult and dangerous part of this journey for some people.

2. Despair, guilt and anger

Being honest about where we are is often the prelude to a period of desolation and despair. Prisoners are most vulnerable to taking their lives in the early months of their imprisonment as they move out of denial into realisation and have to face up to their situations since realisation comes to most people in a matter of weeks or months rather than years though, for a few who have been convicted of very serious offences, it can be years before they reach the stage of realisation.

2.1. Despair

Despair is often accompanied by reactive depression; prisoners may lose the motivation to do anything and nothing you say to them can convince them that things will ever get better for them. At this time, a well-organised prison routine of work and activities which prisoners can take part in without really having to think about what they are doing can be a great advantage; lack of structure in a prisoner's day and too much time for reflection can make the situation worse for prisoners. Minor upsets and disappointments can acquire a significance for them beyond their 'normal' importance in the scheme of things.

It is important not to minimise the significance of this phase and try to cheer them up; whether guilty or innocent, everything has changed for the prisoner and they need to face up to the reality of their situation and the difficulties they are going to encounter. Autobiographical accounts of prison tend to skip over this phase because so little 'happens' in it but, for those in the middle of depression or despair, time can appear to pass very slowly.

2.2. Guilt

Guilt, like denial, has an important and natural role to play in helping people to come to terms with their situations and, like denial, it can be misunderstood and mishandled. As we will see (section 4.1), a victim's forgiveness does not wipe away the guilt of the offender; it removes the barrier between the victim and the offender and helps both the victim and the offender to build new lives.

Guilt which follows realisation can be important in two ways:

- as an acknowledgement of responsibility and
- as a motivation to do something about a situation.

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But guilt is not a simple emotion; it has many faces and its expression is influenced by cultural assumptions; it can also prevent a person from doing anything about a situation.

- Guilt often follows a traumatic situation — guilt at what one may have contributed to the situation or guilt that one has survived a situation in which others have been hurt or killed. Sometimes the guilt that follows a trauma is ‘irrational’ in the sense that the person could not have done anything about the situation anyway but it is important not to dismiss this irrational guilt; even though it is ‘irrational’ in the sense that the person could not have done anything to change the situation in which they found themselves, it can serve the positive function of motivating them to do something about the consequences of the situation. The main difficulties come when this type of guilt, whether rational or irrational, is turned into anger against oneself — leading to suicide — or against others — leading to campaigns for revenge or compensation.
- Guilt may accompany the realisation that a person has acted in ways which do not match their self-image. Such guilt can block a person’s ability to accept responsibility in two ways:
 1. they believe that the self-image they have of themselves is their ‘true’ self-image and that the ‘offence’ they committed was an ‘aberration’ which does not reflect their ‘true’ self; so, though they accept that that they are ‘guilty’ of the offence, they do not accept that they need to change because they do not accept that their ‘offence’ was part of their ‘normal’ behaviour and
 2. a large discrepancy between someone’s self-image and their day to day behaviour can make them hypersensitive and prone to aggressive responses to the least hint of criticism; they will frequently find fault with others in order to prove to themselves that, though they may be at fault, their faults are less serious than those of others and thus that their need to change is less than others’ need to change.
- Guilt which is part of a genuine acceptance of moral responsibility can be the starting point for accepting responsibility but where the offence is particularly serious it can also lead to depression and suicide or serious paranoia.

Some people do not experience guilt in any meaningful sense, sometimes as a result of an inability to accept responsibility for anything and sometimes as a result of irrational guilt which gets in the way of any real sense of guilt. Those who have difficulties with guilt need a relationship they value, not least because it is a relationship in which they have value. This can take a long time to achieve but it is the *sine qua non* of being able to feel meaningful guilt. Repeatedly asserting to people in all manner of ways that they are guilty does not produce feelings of guilt and is often counter-productive as the person does not feel valued as a result of the experience; only when such a person feels valued do they begin to have the sort of experiences which might lead them to feeling the guilt which accepts responsibility for what they have done.

2.3. Anger

Anger arising from guilt can manifest itself in violence towards oneself and towards others. Just as guilt often arises in the context of a relationship, so anger is normally a symptom of feelings about a relationship. Angry feelings often produce fear or distress in others but anger always needs to be seen as the obverse, not the opposite, of love; 'love and hate are not opposites. The opposite of love is indifference' (Neill, 1962, p. 263). Both love and hate arise from the feelings we have about another, which is why most victims of murder or violence are known to their assailants and most abuse occurs within close relationships. Similarly, many suicides occur in the context of a lost relationship.

Dealing with anger may be particularly difficult in crimes of passion where feelings about the victim have contributed to a murder or a serious assault. The anger may be felt against oneself for what one has done to the victim or against the victim for something they have done which may have provoked the passion which led to the assault or it may be a combination of the two. Whatever the case, the only successful way through these feelings involves the transformation of these feelings of anger into feelings of love, a process which is particularly difficult for those who have not experienced love.

People from apparently loving families may not have experienced loving relationships because of emotional coldness, indifference or abuse on the part of a family member. If their offences are linked to relationship difficulties arising from the lack of loving family relationships, they may need to deal with their feelings of being unloved before they can begin to love those who may have hurt them. Only then can they come to terms with any anger they may feel about what has happened to them and transform that into love for others, including those whom they may have hurt.

2.4. Bargaining

Bargaining can be associated with guilt or anger. Rather than turning their anger into love, some people try to use their anger to push a bargain as a way of assuaging their guilt. They make extravagant promises about restitution in order to obtain forgiveness. It is important not to confuse such offers of restitution with genuine acceptance of responsibility. Bargains are always a way of creating a barrier to accepting responsibility. That does not mean that we should discourage a person from acts of restitution but they must be freely given with no expectation of any return. However difficult it is we need to convey to people both that their acts of restitution are welcome in their own right and that they can never be part of a bargain, only a freewill gift, and create the conditions in which they can move forward out of guilt and anger into adaptation.

The journey from realisation to adaptation is the most difficult journey anyone ever makes because they can go through the depths of despair and all-consuming anger before they reach the point at which they can begin to adapt to the experience that caused all this anguish. It is emotionally draining for those who accompany them on the journey because in both the depths of despair and the heights of anger it can appear that no 'progress' is being made, that the person is 'stuck' at this stage and will never come

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out of it. Those who by reason of delayed development, trauma or a particular mental state are unable to make the journey may express emotions but normally without the volatility that characterises most of those who are making progress on the journey.

3. Adaptation

In the normal course of events people who have gone through a stressful experience reach a point where they have come to terms with what has happened and are able to adapt their lives to their new circumstances. Sometimes it can be an extremely fulfilling experience; a number of women, for example, who have lost their husbands have taken over their businesses and run them successfully; some parents who lose a child find satisfaction in a new focus on the family (Knapp, 1986); for others, coming to terms with a stressful situation may not have such a dramatic or positive outcome. However, if a person does not reach this stage, the outcomes of the stressful experience are unlikely to be positive.

Accepting responsibility involves changing the way offenders think about things; crucially, they no longer believe that, in the situation in which they found themselves, there was only one thing to do; they realise that they had choices and that they made the wrong choice in the situation.

3.1. Changing the way we think

In practice people experience many changes in the ways they think about things as they move from childhood egocentricity through increasing awareness of and concern for others to a mature sense of responsibility for themselves and others, changes which are often prompted by a particular experience (Gilligan, 1993). At the outset, everyone is egocentric, that is to say, they see the world from their own point of view (Duska and Whelan, 1977) and they change the ways in which they think about the world many times throughout their lives (Bronfenbrenner, 1979; Jaques, 1986). Women may go through a phase of seeing others as more important than themselves (Gilligan, 1993), a phase which is reinforced in some cultures by male attitudes to women. But people who sacrifice themselves to the care of others become increasingly unable to provide the care that the other needs and so end up doing a disservice to the other. This is very important in the process of restoration; neither victim nor offender must act solely for the other and so deny their place in the restoration; only when both enter fully into the processes of restoration, neither denying themselves nor denying the other, can restoration be achieved.

Many prisoners describe changes in the ways they think about things which they regard as crucial to addressing their offending and finding ways of living with themselves. These changes may appear different from the changes that are part of the shift from childhood egocentricity to a mature sense of responsibility for themselves and others because they have been prompted by something which gives the change in the ways they think about things a particular meaning but I would argue that they are essentially the same process.

3.2. **Accepting responsibility**

Two ways of changing the ways offenders think about things are central to accepting responsibility:

- facing up to the reality of what they have done and
- changing the ways in which they think about themselves.

Conventionally these two are linked but they can take place separately and both are required to accept full responsibility for one's actions. Both can be difficult; after his conversion to Christianity following his vision on the road to Damascus, the apostle Paul spent time in Arabia (Galatians 1:17-18) coming to terms with what he had done in persecuting the Christians, what that meant for him and how that had affected his view of what it means to be a Christian. One should not be surprised therefore if it takes a serious offender several years to face the reality of what they have done.

This in turn may lead to them considering:

- what their changed view of things means for their view of themselves
- the implications both of their offences and of their changed view of things for their relationships with their family and friends
- what their changed view of things might mean for their victim and their victim's family and whether it is feasible to have any sort of relationship with them.

For each offender, each of these will have a different significance and together they will lead to a series of changes in the offender's view of their offending, themselves and others which eventually enables them to accept full responsibility for their offending.

In my experience fellow prisoners who have trodden the road are often the greatest help to those who have difficulties on this road but outside interventions such as the Sycamore Project (Feasey and Williams, 2009) in the course of which participants meet a genuine victim of crime, but not their own, may help to encourage the shifts in thinking about themselves which are necessary for them to reach the point of accepting responsibility.

This involves having some idea of how they might behave differently in similar circumstances in the future because:

- they often believe at the time of the offence that they have no choice but to commit the offence
- in order to accept responsibility for an event, you have to believe that you had a choice
- an offender who can see how they could have behaved differently in the specific circumstances of their offences but cannot generalise that understanding to new situations has only undergone a very limited change in the ways they think about things.

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An offender who is sorry for what happened but cannot see any other way in which they could have behaved has not accepted responsibility for their actions; until an offender has come to see that they could have acted differently in the situation, they see the victim as a victim of circumstances, not of their actions.

Accepting responsibility for the consequences of an event is quite different from accepting responsibility for the event; for example, the English common law duty of care requires all citizens to act reasonably in the aftermath of an accident even if it was not their fault. If they fail to call an ambulance or leave people without helping them, even when the accident was not their fault, they are in breach of their common law duties. This is an important distinction; offenders can often see the consequences of their offending, for themselves, for their families and sometimes for their victims and their families and they may be prepared to take steps to deal with the consequences of their actions. But that is quite different from accepting responsibility for their actions.

In order to accept responsibility for the event, they need to believe that they could have made a different choice even if at the time of the event they believed it was the only way forward. This applies to 'good' and 'evil.' The person who does good because they believe it is the only option cannot claim responsibility for the 'good' any more than the person who does evil for the same reason can accept responsibility for the 'evil' they have done.

Offenders who say that, whether because of some personal difficulty, the nature of their relationships or the circumstances which surrounded the offence, at the time of the offence they believed that there was no other way forward may begin by denying their responsibility for their actions and may seek 'cures' to prevent them from ever getting into the situation again. Once they change the ways in which they think about the offence, they may still see what they believed at the time as an 'explanation' for their behaviour but they can acknowledge that they could have behaved differently.

They also need to accept responsibility for acting differently in the future; saying that they could have acted differently in the past but offering no hope that they will act differently in the future gives no hope to the victim that they will not be re-victimised.

3.3. Obstacles to accepting responsibility

Occasionally, when an offender's initial 'not guilty' plea has prompted their family to rally round them, the offender may never accept responsibility for the offence because they fear loss of family support if they change their plea. Some offenders are so ashamed of what they have done that, though they may 'acknowledge' the offence privately to fellow prisoners, they never acknowledge it publicly and may avoid thinking about it too much because that might lead to changes in the ways they think about themselves and thus to the need for a public acknowledgement of their offending.

Some offending is associated with development; for example, very immature, and therefore egocentric, offenders have little understanding of others' needs and live for self-gratification; more mature offenders seeking approval from peers are more likely to be involved in social offending; some older offenders have undertaken 'mercy killings' out

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of concern for the pain of or at the request of a sufferer. In these cases, the offender does not just have to change their way of thinking about the offence and the circumstances of the offence; they have to change their way of thinking about other people in general and that may take several years. It is possible that taking part in victim awareness courses or programmes such as the Sycamore Tree (Feasey and Williams, 2009) will assist in making these changes but they are more likely to be assisted through general educational programmes that encourage shifts in thinking about the world than by offence-related programmes. In these cases, either the victim will have to wait many years before the offender is ready to accept responsibility in any meaningful sense or consideration may need to be given to a restorative process which may not be entirely fulfilling for the victim but which is the best the offender can manage.

Around a third of prisoners have experienced a trauma which has had a lasting debilitating effect on their lives — from discovering a distressing family secret through traumatic assaults or deaths in the family to serious emotional or sexual abuse. Their interactions may be characterised by anything from deep mistrust or over-dependent behaviour to deeply obsessive or controlling behaviour as they try to deal with some deeply felt guilt or fear that remains from that experience.

Some of those who have themselves been victims of offences may be unable to accept responsibility for their own offending until they have received help to deal with their own victim-hood; unfortunately, practice in English prisons is to deny offenders who are themselves victims of offences any help to deal with their own victim-hood until they have accepted responsibility for their offending which in effect prevents them permanently from ever reaching the point where they are able to accept responsibility for their offending.

Others prisoners may have experienced traumas from which they have recovered to the extent that they no longer have a debilitating effect on their lives but they may continue to affect their responses in day to day situations. For example, those who have experienced a betrayal may have recovered to the extent that they are able to trust people again but only after they have been given time to build up trust. They may have the potential to accept responsibility for their offending but they may take a long time to build up the trust to talk about the fact that they are on the journey to acknowledging responsibility or, if they encounter poor professional practice in prison, they may be unwilling to trust themselves to the process. They may be dismissed all too quickly rather than encouraged to continue on the journey on which they have embarked at their own pace.

Other factors, such as disability, country of birth, first language and cultural identity, may all provide obstacles to accepting responsibility in different ways and need to be recognised as such if restorative justice is to become widely available in prisons. In some cases the most important obstacle may be the culture of the prison; if this is unsupportive of restorative justice, as some parts of the English prison service are (Ramsbotham, 2005), it will not matter how much progress an offender makes in changing the ways in which they think about things; these will either be ignored or, as happened recently, an offender who had made considerable progress in coming to terms with his offending and begun to think about its effects on his victim and how he might make restitution was

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simply told that making restitution was out of the question.

3.4. Victims

In describing the phases of denial to realisation, despair, guilt, anger, bargaining and adaptation initially in relation to offenders I was drawing both on the accounts given to me by fellow prisoners and on research originally undertaken into the experiences of victims of a range of tragedies and stressful life events (Osterweis et al., 1984; Parkes, 1998). Victims of crime, both primary and secondary, will go through similar phases to those experienced by the victims of other stressful life events. Some victims express surprise that they have become victims and some find it difficult to accept that someone they trusted has treated them so badly. Once they have accepted the reality of what has happened they may fall into despair, sometimes to the extent of committing suicide, or be consumed by guilt, even to the extent of punishing themselves directly or creating situations in which they will be punished. Some will channel their anger into the destructive pursuit of those who made them a victim, others into the constructive prevention of similar offences.

Part II.
Restoration

4. Willingness to engage

If we remembered every failure by another to carry out their duties towards us, we would be overwhelmed; so we dismiss many failures as inconsequential and they are often forgotten in a matter of days if not minutes. Friends who get together after many years often find that an incident which one had remembered another had forgotten even when they had been the ‘victim’ of the episode. Some more serious failures we may remember but put down to experience because we do not expect to encounter the person who wronged us in the future.

However, even where people remember offences, the overwhelming majority of victims, even of serious crimes, decline to engage in any process, whether the criminal justice process or a restorative justice process. In England only around 25% of serious domestic offences are reported to the police (Walby and Allen, 2004) and less than half of the victims approached to participate in restorative justice consent to do so (Sherman and Strang, 2007).

Since we know that some victims forget (Loftus and Davis, 2006) or get over offences better than others (Dziech and Hawkins, 1998), some unwillingness to engage may, on the one hand, be because the victims have put the event behind them and do not wish to be reminded of it. On the one hand, entering into a restorative justice process involves assuming that the offender is a human being, capable of human interactions such as expressing remorse, offering restitution and seeking forgiveness. It may be easier for a victim to view the offender as a ‘monster’ incapable of normal human behaviour than to change their view of things to accommodate the view that most offenders are ordinary human beings who found themselves in a situation which they could not handle appropriately or the view that the ‘monster’ who offended against them could possibly change. Of course, such views lock the victim in a prison from which there is no escape because there is no possibility of accepting restitution from or offering forgiveness to a ‘monster.’

Willingness to engage may be affected by factors which have nothing to do with the offence. Victims, like offenders, who have experienced delayed development or trauma unconnected with the offence may have difficulty engaging in a restorative process; delayed development may inhibit a child, a young person or an adult from appreciating the seriousness of the event, the effects it has had on them and the need for them to address those effects in their daily lives. Those who have been traumatised by a prior experience may be unable to move to a position where they can begin to change the ways they think about the circumstances of the offence until they have received help to deal with their prior experience. Some may realise that certain prior experiences still affect the ways they behave and that addressing the issues raised by these experiences may enable them to address the issues raised by the offence but be unclear how to do

this.

Offenders who reach the point at which they are prepared to enter into a restorative justice programme may be reluctant to discuss it with the professionals who work in the criminal justice system; they may prefer to disclose it to a fellow prisoner. So offering serious offenders restorative justice is probably best facilitated by advertisements in a prison newspaper, by arranging for prisoners who have taken part in a restorative justice programme to become peer supporters or by victims contacting offenders through mediators to make the suggestion. So, while formal arrangements to identify serious offenders who are ready for restorative justice may identify some, informal arrangements will almost certainly be needed to attract others to come forward.

4.1. The nature of forgiveness

Like accepting responsibility forgiveness involves changing the way the victim thinks about things; the act of forgiveness is the act of holding the offender responsible for the event. It does not involve ‘forgetting’ the offence — after all, if it was forgettable, it probably wasn’t worth forgiving — and it does not require, as some Christians wrongly argue, that the offender repent. It releases the victim from any responsibility for the offence by placing that responsibility firmly on the offender.

It releases the victim from the traps which prevent them from moving forward because, for example, they think that:

- the offence and the circumstances surrounding it were inevitable
- what happened was their fault or
- they can do nothing about the consequences of the offence.

Believing that the offence and the circumstances surrounding it were inevitable immediately absolves the offender of responsibility — there was nothing the offender could have done to have behaved differently — and condemns the victim to a life of hopelessness.

More seriously, believing that what happened was their fault absolves the offender and prevents the offender from making restitution; of course, irrational guilt is a common outcome of stressful experiences (Osterweis et al., 1984; Parkes, 1998) and can be reinforced by victim-blaming (Dziech and Hawkins, 1998) but it also involves treating the offender as less than human, that is, incapable of accepting responsibility for their actions.

Finally, resignation offers no way forward for either victim or offender; the ‘profound ... uninvited, unhealthy, and deeply resented, relationship ... born of the criminal event itself’ (Marshall, 2005, p. 6) must be replaced with a new relationship and new self-images for both victim and offender as former victim and ex-offender.

In a worst case scenario, the victim takes on the victim role that they had during the commission of the offence(s) and makes that an unvarying part of their lives, reliving their victim-hood time after time. But perpetual victim-hood is no different from the

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offender failing to accept responsibility for their offending; it involves choosing for the rest of your life to abdicate any responsibility for dealing with what happened.

Victims who fail to forgive the offender can be left with a barrier of bitterness (Arendt, 1958), often accompanied by fear and mistrust, which can manifest itself in unsatisfactory or unhelpful relationships with others such as workplace bullying, marital discord or the emotional abuse of children, which may in turn lead to offences being committed either by the victim or by those who have been damaged by their relationships with the victim. It may seem shocking to suggest that victims can themselves contribute by their behaviour to later offending but this is indeed the case (Bettelheim, 1943). Forgiveness isn't an optional extra which a few sympathetic victims can enter into; it is the *sine qua non* of having a fulfilled life thereafter for most victims of a serious offence.

4.2. Memories of offences

By the time a restorative process begins within prison, both the victim's and the offender's memories of the offence will have undergone subtle and not so subtle changes. It is now clear that any form of questioning about an event alters the content of the memory of that event (British Psychological Society Research Board, 2008). One advantage of restorative justice processes prior to a criminal process is that the memories of both victim and offender will normally be relatively uncontaminated by the experience of detailed questioning; if there has been a trial both the victim's and the offender's memories will no longer be of the event but of the event as it was reconstructed during the judicial process.

This is a very important point to bear in mind in any restorative process in prison; there will no longer be a 'true' version of the events held either by the victim or by the offender. There will be a set of memories which each holds which may in places be incompatible, not because either is being untruthful but because both have been subject to different questioning processes which have overlaid the original memories with new 'information' suggested by the questioners.

As long as this is recognised, this does not matter. Restorative justice is about healing the relationship between the victim and the offender in such a way that both can move forwards. So, when the victim seeks answers to questions and truth telling, these are answers to questions about how the offender views the relationship s/he had at the time of the offence and how that has changed since the offence in such a way that the victim can be sure that they, or anyone else, will not be a victim again. The truth must lie in the relationship, not in the account of the events.

This is even more significant in the case of serious offences against children; in most cases, it will be inappropriate to offer restorative justice to child victims of adult offenders but it may become appropriate once the child reaches maturity if the offender is still in prison.

Very young children only retain fragmentary memories of incidents (Koluchová, 1976; British Psychological Society Research Board, 2008) and may find it difficult to reach a satisfactory understanding the situation in which they were victims. In some cases, they

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may never be able to deal with the bitterness that these memories have left and may have difficulties making constructive relationships with others. In others, appropriate interventions will have enabled them to deal with the experiences (Koluchová, 1972, 1976).

If they have sufficient memory of the incident, they may go through the phases of denial to adaptation several times as their increasing maturity leads them to take on more mature perspectives which in turn may be more painful as the true nature of their experiences becomes clearer. Parents are often bemused, if not irritated, when a child or young person returns repeatedly over the years to a stressful event because they assume that the child or young person had 'got over it' earlier and fail to recognise the child's need for support to come to terms with the implications of each change in their view of the event. If it was caused by a family member, the repeated revisiting of the event can create particular stresses for all members of the family.

5. Preparation for restoration

Once offenders have changed the ways they think about the event to the extent that they accept responsibility for their actions, they are ready to enter into a process of restoration, expressing remorse, offering restitution and asking for forgiveness.

Forgiveness is always a step into the unknown. The victim cannot know whether the offender is prepared to accept forgiveness, even whether the offender has any conception of what it means to be forgiven or what it takes to forgive. But it is important that the act of forgiveness takes place in the context of the victim's adaptation to the situation. Forgiveness has to be unconditional to be meaningful; it cannot be a bargaining chip in any dialogue with an offender. The victim will almost always need an intermediary to begin any dialogue with the offender and, like the offender whose changed view of the offence is receiving no response, will have to be prepared for no response to their act of forgiveness. But, even if the act of forgiveness is declined, the lifting of the barrier of bitterness and the opening up by the victim of the possibility of forgiveness and restoration will enable the victim to cease being a victim and become a former victim.

Some people argue that 'taking a victim perspective' is the key to addressing offending behaviour. However it is not necessary for the offender to take any sort of victim perspective to begin to view the circumstances of the offending differently. An offender can change the ways they think about the world so that they care about what happens to the victim without knowing the victim's perspective. In practice, many offenders have already been victims and so have their own 'victim perspective' and many know something of the victim because they have lived with or known the victim personally. These experiences may help the offender to change the ways they think about the circumstances of the offending but are not essential for such a change.

Encouraging 'taking a victim perspective' may even be counter-productive to restoration because those who advocate it often know less about the victim than the offender does and they sometimes try to impose their limited or misguided view of the victim's perspective on the offender. Even where an offender knows the victim well, that knowledge should be regarded as provisional and care needs to be taken not to encourage an offender to build up a picture of the victim's perspective which fails to reflect the victim's reality. Part of restoration involves listening to each other's stories; so creating stories or perspectives of the other which interfere with the act of listening to the other will always be counter-productive.

Offenders have to recognise that not all victims will be prepared to enter into restoration while some may want reassurance about the process and what they are expected to do. Intermediaries may be needed to conduct the initial conversations between an offender and a victim. Where however these conversations have come to nothing or the victim has refused outright to engage, it is important to acknowledge that the offender

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has come as far as anyone can and also that the unwillingness of a particular victim to engage should not reflect on the offender or on the validity of all the steps the offender has taken towards restoration. But the offender may in these circumstances go through another cycle of denial, despair, guilt or anger before coming to an adaptation to their situation.

5.1. Barriers to restoration

Even if an offender or a victim has progressed through any or all of the normal phases of denial, realisation, despair, guilt, anger and adaptation, there may be barriers which inhibit their progress towards the expression of remorse or forgiveness. As noted earlier delayed development or trauma and inhibit progress towards restoration. Dealing with these issues is not part of the processes of restoration but an essential preliminary, opening up for offenders and victims who have suffered delayed development or trauma, quite separately from the circumstances of the offence, the possibility of a new range of experiences which will enable them to engage in restoration more easily.

A very small number of offenders are unable to engage in any meaningful process of restoration and where they themselves become victims they present similar difficulties to anyone who seeks to support them. They present intractable problems for all justice systems because they neither understand justice nor respond to love in the same way as most people but we need to deal with them in ways which will minimise the possibility of them re-offending or of creating the conditions which make it more likely that someone else will offend. Before they can embark on a journey towards restoration, they need help to establish reasonably normal relationships with others.

6. Restoration

The essential elements for restoration are:

- the stories of each of the victim(s) and the offender(s)
- the acknowledgement through both a changed view of the offence and forgiveness of the responsibility of the offender for the offence and
- the willingness of the offender to receive forgiveness and of the victim to receive restitution.

For many victims an expression of remorse by the offender towards the victim is also essential but this should come out of the process of restoration and not be a precondition for the restoration. By convention, the offender in England is expected to show ‘remorse’ but remorse can be based on the consequences for the offender or their family rather than on the consequences for the victim or their family. Remorse has to be based on a change in the way the offender thinks about the situation within which they acknowledge that they could have behaved differently towards the victim but did not.

6.1. Listening to the other

The heart of the process is listening to the stories of the other — in the case of the offender, the story of how they came to commit the offence and how they now see these events quite differently, in the case of the victim how they thought about the experience of the offence at the time and how they now see the offence. This will be difficult for both because the temptation will always be to ‘interrupt’ or ‘correct’ the story that the other is telling. But restoration is not about negotiating an acceptable version of events, nor is it about establishing bargaining positions in a game of emotional chess in which the victim only gives forgiveness if the offender repents and the offender only repents if the victim forgives. Anyone who enters into the process of reconciliation with this in mind has not completed the process of dealing with their anger and reaching the stage of adaptation and should withdraw from the restoration process until they have reached the stage of adaptation. Both victim and offender need to accept that the story of the other is an entirely valid account of the events the offender and the victim were part of. Of course, if there is no evidence of a change in a way they think about things in the account the other gives, the process of restoration may need to be suspended because it will not have the essential ingredient of a change in the ways they think about things or forgiveness which is necessary for restoration.

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Forgiveness expressed towards the offender must include acknowledgement of the offender's responsibility for the offence and for the consequences of the offence. If the victim changes from being angry at the way the offender treated them to thinking about the offender as in some way unable to help themselves, the victim diminishes the offender in a way which can be worse than being the object of anger. At least, if the victim is angry with you, they are holding you responsible for what has happened; if they no longer hold you responsible for what has happened, neither your changed view of things nor their forgiveness can count for much.

Both victim and offender are likely to find elements of the other's story shocking and each may have further changes in the ways they think about things as each begins to see the world in ways which better encompass the experience of the other. Even where victim and offender were acquainted prior to the offence, each may surprise the other with ways of thinking about the world which the other had not suspected. This can be a result of normal development or of gender, race or social difference; women and men tend to think about the world in different ways as do people from different races, cultures and classes (Gilligan, 1993; Tannen, 1992; Hofstede, 1998). Some of these shocks will involve adjustments to their views of the other and some to the ways they think about the world to take account of the ways the other thinks about the world.

On the one hand, expecting that restoration will be based on closely similar world views is almost certainly a recipe for disaster and the best that most victims and offenders can achieve will be a restoration based on reasonably similar ways of thinking about the world; on the other hand, widely differing views of the world may present barriers in the process of restoration and hinder the extent to which it can proceed. How important this becomes may well be influenced by how much each party is able to care about the other; one aspect of such caring is to have expectations of the other but not to be so unrealistic in those expectations that they inevitably fail to meet your expectations.

Even without the shocks which listening to the other involve, the process of listening to what the other is saying without interrupting or interpreting what is said can be quite difficult and it is advisable to

- limit the time both spend in such conversations to avoid people being overwhelmed by what has been said and to give them the space to take it in and
- space out the conversations so that each party has time to reflect on what has been said and heard and consider whether the process of speaking or listening has prompted any changes in the ways they think about the situation in which they find themselves.

Some of the shocks experienced by victim and offender may prompt them to go through one or more of the phases of denial, despair, guilt or anger which often accompany a stressful event. There is nothing 'wrong' with this; it is a sign that the person is responding 'normally' to the stress of the experience. The important thing is that the person holds on to the ideas that despair must be replaced by hope, guilt by a mature sense of responsibility and anger by love.

Mediators should encourage the parties to

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- listen attentively to each other
- avoid interruptions and ‘corrections’ and
- acknowledge the validity of each participant’s contribution in the process.

At some point, it may be helpful for each party to respond to the other, not so much on the facts of the story as about the effect the other’s story has had on them and the ways, if any, in which it has prompted changes in the ways they think about the situation they have been through. But this should not begin to take place until a substantial part of the story telling has been completed and each has a reasonable understanding of the ways the other sees the situation. The mediators may have an important role in judging when it is appropriate for this to take place.

There is no value in being dogmatic about the form of the story; some victims and some offenders will want to concentrate on the circumstances around or prior to the offence while others will want to talk about their circumstances as a result of the offence. No approach or perspective is ‘right’ or ‘wrong;’ whatever the perspective and however different it is from the other’s perspective does not matter at this stage; what matters is that the other accepts and acknowledges this as a valid perspective for the other to take in the process of restoration. If either party cannot acknowledge the other’s perspective as valid, the chances of restoration will be slim. Ultimately, the process of restoration must lead to a new relationship between the victim and the offender; so victim and offender have to talk about their current circumstances in ways which may help them to develop a new relationship. They need not, as some therapists argue, dwell on the nature of the offence — that is a matter of choice for both victim and offender which each must respect — but they must develop some understanding of the new relationship that is to emerge from the process of reconciliation.

One of the temptations when hearing the stories of some offenders can be to allow sympathy to undermine the sense that the person is responsible for the offence and for its consequences. Even if a victim comes to the view that aspects of a person’s prior experience or current circumstances contributed to an offence being committed, that does not take away from the offender the responsibility for the event or for dealing with the consequences of the event and for acknowledging that responsibility. So it is important that the act of forgiveness is not diminished by any suggestion that the offender is in some way not responsible for the offence or for dealing with the consequences.

6.2. Restitution

If the offender wishes to undertake one or more acts of restitution whether for the victim(s) or for society in general, these should never be refused on the grounds of sympathy for the offender. Of course, an offender may wish to perform a particularly onerous act of restitution which might interfere with her/his responsibilities towards others or appear unnecessarily onerous in all the circumstances of the case and it might be appropriate to suggest a less onerous act of restitution for those reasons but not from sympathy arising from the offender’s story. That would undermine the value of

6. Restoration

the offender's change in the ways they think about things. By the same token, acts of restitution can never be part of a bargain with the victim; they have to be unconditional; should an offender wish to make a conditional act of restitution, this should be declined and the offender helped to complete the process of adaptation, even if this means a temporary halt to the process of restoration.

In receiving forgiveness from the victim, that forgiveness must not be diminished in any way. Indeed, it can take many years before people reach the point where they feel able to forgive and, even after that, feelings of anger and betrayal can rise up as they are reminded directly or indirectly of the experience they have sought to forgive.

6.3. New relationships

Though the outcome of the process of restoration will be a new relationship between the victim and the offender, it does not follow that they will necessarily see each other again after the restoration process is complete. They may decide to express their care about each other by agreeing not to see each other again; for some victims and some offenders a new life in a new (area of the) country may be the most satisfactory way of coming out of the experience they have been through and completing the process of restoration may be the very best way to make that new start. Certainly for a victim seeking to make a new start, being able to forgive, so ridding themselves of the shadow of bitterness, and having the satisfaction of knowing that the offender has truly changed the ways they think about things and is unlikely to put anyone else through the ordeal they have suffered will make the new start much more likely to succeed.

Victim and offender may choose to continue to have contact but there must be genuine care for each other underlying the relationship. If the offender maintains the relationship because of a sense of guilt, s/he is failing to accept the fullness of the forgiveness; if the victim maintains the relationship because s/he wants to keep an eye on the offender, s/he is failing to accept the fullness of the offender's change in the ways they think about things. Both these situations suggest that the restoration has not been complete and neither are good bases for long term relationships. All long term relationships must have elements of affection/admiration in them; the offender must see things in the victim that s/he values beyond the act of forgiveness and the victim must find the 'treasure' in the offender to which Churchill alluded in his speech to the House of Commons in 1910 (Churchill, 2006). Without seeing qualities in each other which go outside their experience of each other at the time of the offence, neither can have a sound basis for continuing contact with the other and it would be better for them to agree not to remain in contact beyond the completion of the restoration.

Everyone in prison has experienced one or more fractured relationships which either caused or were caused by their imprisonment; every victim has experienced one or more fractured relationships as a result of the offence. The best way for both victim and offender to rebuild their lives is to heal the fractures in their relationships. Failing to help both offenders and victims to heal their fractured relationships creates more victims. Indeed, failing to deal with the needs of victims may underlie more offending

6. *Restoration*

than failing to deal with the needs of offenders because most serious offenders do not re-offend (Councell, 2003) while the shadows that are cast across the lives of their victims can inhibit their ability to make satisfactory relationships with others and thus contribute to the circumstances in which a later offence is committed.

Some victims will of their own accord come to terms with the offence and not need any specific help to heal any fractured relationships and some will deny that they need any help, mirroring the responses of some offenders; but most victims, like most offenders, will appreciate support and help to come to terms with what has happened to them. Indeed, even where an individual victim or an individual offender has the resources to deal with the circumstances and consequences of an offence, it will normally be helpful for the forgiveness or change in the ways they think about things they have gone through to be made known to the other party and for that to be validated through the experience of restoration.

Forgiveness is also central to the responses of those who suffer miscarriages of justice if they are to be able to respond constructively to their imprisonment. But even if neither victim nor offender reach the point of restoration, the further each can move down the road, the more likely they are to mitigate the possibility of further offences being committed because the journeys entail changes in the ways in which they think about things which will enable them to think about their situations in more constructive ways.

Part III.

Re-integration and rehabilitation

7. Family relationships

Good family relationships reduce re-conviction rates (Millham et al., 1975; Prison Reform Trust, 2009). However, in many cases, the family suffers more from the imprisonment than the prisoner themselves (Smith et al., 2007). Apart from any shame or opprobrium which falls on the family because of the prisoner's offence or imprisonment, there is the loss of income to the family and the loss of a person who was expected to carry out certain family roles — father, mother, brother, sister, son, daughter, uncle, aunt. There can also be the loss of a career or achievement by which the person might have brought social approval to the family.

Sometimes what appears to be an irretrievable breakdown in family relationships may have been driven by one or two family members; other members and, in particular, children may feel less strongly about the situation and may be willing, curious or even eager to meet the black sheep of the family and find out their side of the story, particularly if those who wish to distance the family from the prisoner appear to 'protest too much.' The great temptation in these circumstances, particularly if the prisoner feels they have been the subject of malice, is to launch into a detailed justification of their actions and a condemnation of the actions of others. But this will always be counter-productive; it will either drive the family apart in a perpetual feud or lead to the rejection of the prisoner because s/he is 'as bad' as those who supported her/his conviction.

Unless family members have been in prison themselves, they will be unable to understand what the prisoner is going through; by the same token, unless the prisoner has had a family member in prison, s/he will be unable to understand what the family is going through. It can be easy for either side to wallow in self-pity, to play the victim or to engage in a blame-game.

If the family is unable to give support, then access to alternative support through stable relationships is known to be a key factor in surviving difficult situations whether war (Brosse, 1950) or separation from parents (Wiener and Wiener, 1990); some prisoners describe how stable relationships in prison helped them to make a constructive response to their situation. From an restorative justice perspective, the added stress of losing family support and/or not having the support of an alternative stable relationship is likely to slow progress towards restoration and thus increase the time before a victim can hope to obtain answers to questions, truth-telling or any form of restitution.

It may be important in exploring restorative justice in prisons to consider how best to support families so that they can provide the support that assists an offender in moving towards restoration or how best to provide the stable relationships which may accelerate progress towards restoration for those who no longer have family support. Otherwise victims may be disadvantaged by aspects of the offender's situation which are out of their control.

8. Réinsertion, rééducation and réadaptation

The French have three words for re-integration and rehabilitation; *réinsertion* (which is conventionally translated ‘rehabilitation’ but is closer to ‘re-integration’), *rééducation*, for the processes through which a person changes, and *réadaptation*, for the processes through which a person’s relationships change. I became aware of the need for these three separate concepts first through my conversations with men in prison and later in my research, where I found that they were often confused.

8.1. Réinsertion

Over 99% of all prison inmates return to the community, though some die in prison and around 25 in England and Wales are deemed unlikely ever to be released. Anyone who has been imprisoned legally on remand or after conviction or illegally as a hostage is changed by the experience. Not only their view of themselves but also their views of other people and other people’s views of them are changed for ever. Re-integrating themselves into the community from which they came or into a new community involves a whole series of changed perceptions and changed relationships which have to be negotiated.

It does not matter what view one takes of prison — it is wasteful not to seek to ensure that those who have been in prison come out able to re-integrate into the community and less likely to re-offend. But, from a restorative justice perspective, once an offender has been through a restorative justice process and the victim is satisfied that they no longer pose a threat, it is normally pointless to keep them in prison. So restorative justice in prisons is inevitably going to be associated with re-integration of the offender into the community.

8.2. Rééducation

From a holistic perspective *rééducation* is the process of ensuring that each and every aspect of a person’s life in and out of prison is understood and that the actions needed both before and after release are taken to ensure that the person is able to function satisfactorily in all aspects of their lives.

Most prisoners have to share a cell, associate with, go to work or education with and exercise or go to the gym with fellow prisoners; so they have to make a whole series of new relationships and anyone who sets themselves up as ‘different’ for whatever reason risks alienating other prisoners and becoming a target for bullying. So how a prisoner interacts

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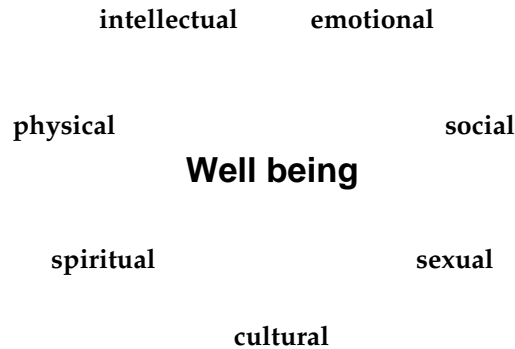


Figure 8.1.: Well being model

with other prisoners in their first few days will go a long way towards establishing the patterns of interaction which will characterise their stay in prison, whether they become bullies or victims of bullies, whether they try to ingratiate themselves with officers or whether they seek to establish constructive relationships with fellow prisoners.

Staff can create the opportunities for prisoners to make constructive relationships with fellow prisoners through the ways in which they manage activities such as association, work, education or gym but prisoners ultimately decide how far they are going to use these opportunities and I found considerable support from prisoners to use these opportunities constructively. Indeed, many prisoners cite interventions by fellow prisoners as crucial in enabling them to take a constructive approach to their own imprisonment and, while close relationships are discouraged, not least because strong groups always tend to discourage pairing among group members, the variety of people a prisoner will encounter offers opportunities to make relationships with a wide range of different people and to benefit from that experience. Since part of the process of restoration is coming to a new view of yourself and such new views can only be consolidated if they can be tested through relationships with others, creating the opportunities for constructive relationships to flourish is essential to laying the ground for restorative justice in prison. This entails reasonably constant shift patterns for staff and avoiding moving prisoners around arbitrarily so that relationships which are developed whether with officers or fellow prisoners can be maintained and developed.

We can explore *rééducation* using the well being model (Figure 8.1). This is a holistic model, that is to say, it starts from the assumption that any change in one aspect of a person's life will affect all the other aspects though not necessarily in the same way for every individual. So lack of physical exercise can lead to obesity and health problems such as type 2 diabetes but it can also lead to lower self-image which may affect our emotional and social relationships and to higher stress levels which may affect our ability to use our intellect to the full.

The spiritual aspect does not require adherence to a specific religion or belief system but people with a settled belief system tend to live longer and have fewer physical and mental health problems (Williams and Sternthal, 2007).

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Most people who have been in prison have been able to maintain personal physical care but many will have had restricted access to exercise, dietary care or medical care. Relatively few prisoners are released from prison in a good state of physical fitness and with no outstanding dietary or medical issues to be addressed on release.

How intellectually stimulating imprisonment can be largely depends on the individual; some pass their time in prison developing their intellectual abilities; most find little stimulation in prison and the stress of prison life is not conducive to intellectual pursuits. This will have a significant effect on how prepared a person can be for release; those who have not exercised their intellectual abilities in prison are less likely to be ready to exercise them on their release.

Everyone who has been in prison has a changed self-perception and changed relationships with significant others, family and close friends. Similarly, their social contacts and the relationships they have with generalised others, other friends, colleagues and acquaintances, will have changed. In some cases, they will have lost all relationships with significant and most with generalised others. Relationships with significant others are important because they help to define our identity. If an arsonist or a sex offender finds that the only close friends they have are other arsonists or sex offenders, their identity as an arsonist or a sex offender can be reinforced rather than diminished, increasing the likelihood of re-offending.

Because prison involves involuntary celibacy for most prisoners, the sexual aspect of their lives is often the least developed. How it is expressed on release will often depend on the relationships to which the person has access and, if it is expressed in an immature or abusive way, that may restrict further the range of relationships available to the ex-prisoner.

For most prisoners prison offers limited opportunities for cultural expression, not least because, even among the majority communities, there are rarely enough people to sustain regular cultural activities. They do not have access to other institutions to make up the numbers and in many cases the pool of inmates for a particular activity is restricted for security reasons to one or two wings of the prison.

So a prisoner who has been in prison for some years may appear less mature in some areas than someone of the same age who has not because they have not had the same opportunities to develop all aspects of themselves as people outside have. But, by virtue of thinking about who they were when they committed the offence and the sort of person they want to be in future, they may well have made considerable personal development within prison in areas which people outside prison never consider. I met some prisoners whose understanding of themselves and others had developed far further as a result of their reflection during imprisonment than that of many managers with whom I had worked before going into prison. So it is important, in considering an offender's progress towards restoration and their capacity to contribute to and to gain from restorative justice, to undertake a holistic assessment of where they are and not make judgements based on isolated criteria.

8. Réinsertion, rééducation and réadaptation

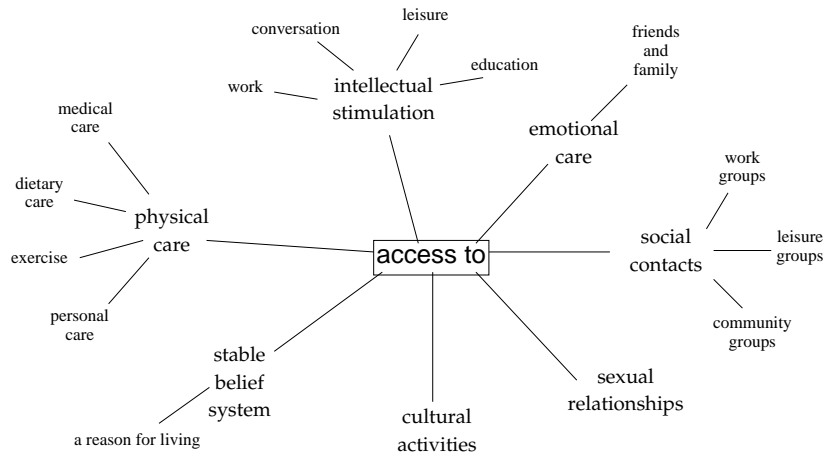


Figure 8.2.: Resources needed on release

8.3. Building on *rééducation*

There is an old saying that ‘preparation for release begins the day you are admitted.’ So we can explore the resources to which an ex-prisoner might need to have access on release by using the well being model (Figure 8.2).

Most prisoners will have had access to baths, showers and toiletries to an extent which many will not be able to afford on release; some forms of exercise to which they have had access will only be available in health clubs for which they will have to pay a fee; they will probably be able to afford a healthier diet outside prison and, unless they are unemployed, better access to health care. The biggest difficulty for an ex-prisoner is getting into a routine and a way of life which is going to provide all the physical care that they need. Some options which they had in prison will have to be substituted; others will have to be explored for the first time.

Whether or not someone has been intellectually stimulated in prison, they will need intellectual stimulation through work, social interaction, leisure or education. Indeed, because intellectual development often precedes emotional and social development, it can be an important trigger to or reinforcement of emotional and social development. The person who uses their intellect to understand their situation and adjust sympathetically to the needs and demands of others is going to be more welcome in close relationships and social contacts. The person who cannot or will not take the trouble to think about others will never make significant progress on release.

Imprisonment invariably changes relationships not just because the person has been imprisoned and in some cases the family or friends may have had a hand, by omission or commission, in the person ending up in prison but also because the person in prison can no longer carry out the relationship responsibilities or fulfil the roles which they had before they were imprisoned. In most cases someone else will have to carry out these roles and may take on the relationship responsibilities of the prisoner. In the worst case scenario for the prisoner, the family no longer wants or needs them; in many

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cases someone else will have taken on the roles or the relationship responsibilities and release from prison will mean changes for all members of the family circle as roles are relinquished or shared and relationship responsibilities transferred. The parent who has not followed their children's development at close hand may find it difficult to find an appropriate parenting role with their much older children; the older child who has taken on an unpaid parenting role towards the younger children may resent losing that role.

Imprisonment delays the development of social roles; similar age workmates will have gained more experience in work than the ex-prisoner; the leisure activities of the ex-prisoner's peer group may have evolved through several stages that the ex-prisoner has missed so that their idea of a good night out is several years behind that of their peers. Ex-prisoners may find themselves associating either with other ex-prisoners or with younger people whose life experience and social maturity is closer to theirs but this may well inhibit opportunities for social integration into a mature peer group.

Much of the motivation for developing emotional and social relationships will come from the spiritual and cultural aspects of a person's life. If they have a reason for living, whether that reason takes the form of an achievement to which they aspire or a relationship they wish to develop, and a belief system to which they assent, they are more likely to be motivated to take initiatives to promote their own rehabilitation. If that reason for living or belief system is supported by a culture or religious activities in which they can take part, they may receive the affirmation for their new reason for living or belief system which they need to sustain it.

The process of restorative justice does not end with the conclusion of the meetings between victim and offender; the new self which the offender has presented to the victim has to have the opportunities to develop in interaction with others if it is to be consolidated and reinforced as the key to the future life of the ex-offender. Lack of reinforcement of the new self whether because the offender is not released relatively soon after the restorative process is concluded or because the environment into which s/he is released does not allow that new self to be expressed, consolidated and developed will open up the possibility of re-offending because the new self has not received the approval and reinforcement that are essential for its maintenance and development.

8.4. Réadaptation

We make relationships with others primarily through the groups of which we are a part. Arriving in prison normally deprives a prisoner of access to one or more groups of which they were a part; re-integration normally involves being part of one or more groups of which they were not previously a part and for a fortunate few the resumption of relationships with groups of which they were a part before their imprisonment.

8.4.1. With family

In England and Wales 45% of convicted prisoners lose touch with their family and many prisoners are accommodated in prisons many miles from their homes (Prison Reform Trust, 2009); some prisoners' experiences of being imprisoned, of losing contact with

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family members, of family relationships and friendships ending and of coming to terms with the consequences of their convictions and the reality of their imprisonment, if they have been imprisoned, lead to depression and the temptation to end it all.

Family involvement is currently discouraged by the English criminal justice system both in the period leading up to a trial and following conviction. Yet whether the relationships which a suspect had with their family contributed to any offences or not, their relationships with them on conviction and, if they are imprisoned, on their release will have a significant impact on how easily they are able to take a constructive approach towards any sentence and on whether they re-offend (Prison Reform Trust, 2009).

Because family circumstances feature so strongly as indicators of whether men are likely to become offenders (Farrington and Painter, 2004), it can be easy to jump to the conclusion that family involvement will have an adverse effect on offenders. But they don't for women and, in the case of men, that misses the point; where the offending arose because the family could not offer the offender the relationships s/he needed or the offender could not handle certain types of relationship or the imprisonment has fractured or broken family relationships, which may remain fractured or broken throughout the period of imprisonment, the prisoner may

- be unable to address factors in their own family relationships which were associated with any offending
- be unable to heal any of the fractures in their own family relationships
- learn nothing about how to heal and how to maintain relationships
- run the risk of fracturing or breaking any new relationships on release.

None of this helps prisoners to understand the impact their imprisonment may have had on their family relationships and what they may need to do if they are to make a successful re-entry into the family group on release. In these cases there may be a role for restorative processes as part of healing family relationships, not just relationships with the victim.

Prisoners who have a very small primary support group and are therefore at greater risk of mental health problems (Brugha et al., 1993) may find that their families are unwilling to become involved because they do not have the emotional resources to support them. In some cases, a contributory factor in an offence may have been lack of family support which needs to be addressed. In these cases, the family may need additional resources if they are to become one of the groups supporting a prisoner in coming to terms with their situation and their resettlement.

Prisoners who have no family or whose family remains opposed to any contact with the prisoner may need to be given the opportunity to make a relationship with a new 'family.' Some prisoners try to address their lack of family relationships by making a single relationship, normally with a member of the opposite sex, but this always carries the risk that if the sole relationship fails the prisoner is no better off. Making a relationship with a new 'family' in which no single relationship is paramount is more

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likely to provide the long term support which prisoners without a family need in order to come to terms with the impact that previous relationships had on them and on others.

A very small number of prisoners will reject any form of family involvement for themselves but that should not prevent its promotion for the overwhelming majority of prisoners.

8.4.2. With the local community

Everyone who comes into prison has been part of a community, however localised or idiosyncratic, and everyone who leaves prison will become part of a community. Much the same considerations apply to communities as to families; for some people imprisonment is a symptom of a breakdown in the community; for all, their imprisonment will have put a gulf between them and their communities. If they are to be successful on release, they will have to find constructive ways of relating to a community while they are in prison so that any rifts caused by their imprisonment can be healed and do not become an impediment to their successful rehabilitation. Some people, by the nature of their offence, will not be able to return to a community in which they previously shared; so it will be important for them to reflect on how they can make constructive relationships with another community of which they hope to be a part.

Most prisoners have some opportunities for contact with wider society through staff who live in the local community, the chaplains of the various faith groups, prison visitors and local groups who come into prisons for a variety of activities, religious, educational or recreational while those in open prisons have the opportunity to work and participate in leisure activities in the local community. But these are often seen as one-way relationships in which those from outside the prison offer something to prisoners whereas prisoners need two-way relationships in which they can offer something to the relationship which both sides value. Offenders have to come to terms not only with the impact their offending has had on their victims and their families but on society as a whole and their relationships with society; this cannot take place in one-way relationships. So there need to be greater opportunities for prisoners to make two-way relationships with members of wider society.

However, in part because of the distance which prisoners are placed from home (Prison Reform Trust, 2009), there may not be the opportunities to develop relationships with the community to which they are to return or there may be animosities in the local community to them returning to their local community. In England and Wales that normally means they are not returned to their local community but that may mean that none of the indirect victims of the offender have any opportunity to resolve the pain they may have suffered because of the offences. There does seem to be scope for restorative processes that aim to heal the wounds that may have been created between an offender and their local community because otherwise the community can have no hope that these offences will not happen again because they have never been able to encounter someone who has put that sort of offending behind them.

9. Epilogue

The focus of much restorative justice has been on enabling young petty offenders to provide redress for victims before or as a substitute for judicial processes. But it tends to be more successful with older offenders (Sherman and Strang, 2007), in part I would argue because older offenders tend to have greater maturity and therefore a greater capacity to comprehend the harm they may have done to the victim.

Introducing restorative justice into prisons for serious offenders who have already been convicted will involve very different arrangements and very different considerations from developing it for young petty offenders. But the effort seems worthwhile

- because of the extent of the harm that can be done to victims of serious offences and the known benefits of restorative justice (Strang, 2002; Shapland et al., 2008)
- because the most serious offenders have the lowest re-offending rates (Councell, 2003), in part I would argue because much serious offending is situational rather than the result of a long-term flaw,
- because most go through a process of coming to terms with their offending which is similar to that which most people go through after any stressful situation
- because most serious offenders are older offenders for whom restorative justice is more successful (Sherman and Strang, 2007) and
- because an apology and emotional restitution is what is most desired by victims (Strang, 2002) but is what is usually denied to them under the current arrangements for dealing with serious offenders.

Further research will be needed to determine how significant the issues which I have identified may be to introducing restorative justice into prisons but this paper is offered as a contribution to the process of developing that research and appropriate research questions.

Bibliography

- Arendt, H. (1958). *The human condition*. Charles R. Walgreen Foundation Lectures. Chicago: Chicago University Press.
- Bettelheim, B. (1943, October). Individual and mass behavior in extreme situations. *Journal of Abnormal and Social Psychology* 38, 417–52. Reprinted in B. Bettelheim (1979) *Surviving and other essays* London: Thames & Hudson.
- British Psychological Society Research Board (2008, June). *Guidelines on memory and the law: recommendations from the scientific study of human memory*. Leicester: British Psychological Society. A report from the Research Board.
- Bronfenbrenner, U. (1979). *The ecology of human development*. Cambridge, MA: Harvard University Press.
- Brosse, T. (1950). *War-handicapped children: report on the European situation*. Publication No 439. Paris: United Nations Educational, Scientific and Cultural Organization.
- Brugha, T. S., J. K. Wing, C. R. Brewin, B. MacCarthy, and A. Lasage (1993). The relationship of social network deficits in social functioning in long term psychiatric disorders. *Social Psychiatry and Psychiatric Epidemiology* 28, 218–224.
- Churchill, W. (2006). Winston Churchill's speech 1910. *Justice Reflections* 12(90), 1–12. Delivered in the House of Commons on 20 July 1910.
- Councell, R. (2003). *The prison population in 2002: a statistical review*. Home Office Findings 228. London: Home Office.
- Duska, R. and M. Whelan (1977). *Moral development: a guide to Piaget and Kohlberg*. Dublin: Gill and Macmillan.
- Dziech, B. W. and M. W. Hawkins (1998). *Sexual harassment in higher education: reflections and new perspectives*. London: Garland.
- Farrington, D. P. and K. A. Painter (2004). *Gender differences in risk factors for offending*. Home Office Findings 196. London: Home Office.
- Feasey, S. and P. Williams (2009). *An evaluation of the Sycamore Tree Programme: based on an analysis of Crime Pics II Data*. Sheffield: Hallam Centre for Community Justice.
- Gilligan, C. (1993). *In a different voice: psychological theory and women's development*. London: Harvard University Press. With a new introduction.

Bibliography

- Hofstede, G. (Ed.) (1998). *Masculinity and femininity: the taboo dimension of national cultures*. London: Sage.
- Horowitz, M. J. (1982). Psychological processes induced by illness, injury and loss. In T. Millon, C. Green, and R. Meagher (Eds.), *Handbook of clinical health psychology*, pp. 53–67. London: Plenum.
- Jaques, E. (1986). Development of intellectual capacity: a discussion of Stratified Systems Theory. *Journal of Applied Behavioural Science* 22(4), 361–383.
- Knapp, R. J. (1986). *Beyond endurance: when a child dies*. New York: Schocken.
- Koluchová, J. (1972). Severe deprivation in twins: a case study. *Journal of Child Psychology and Psychiatry* 13(2), 107–114.
- Koluchová, J. (1976). A report on the further development of twins after severe and prolonged deprivation. In A. M. Clarke and A. D. B. Clarke (Eds.), *Early experience: myth and evidence*, Chapter 5, pp. 56–66. London: Open Books.
- Loftus, E. F. and D. Davis (2006). Recovered memories. *Annual Review of Clinical Psychology* 2, 469–98.
- Maas, H. S. and J. A. Kuypers (1974). *From thirty to seventy: a forty-year longitudinal study of adult life styles and personality*. San Francisco: Jossey Bass.
- Marshall, C. D. (2005). Satisfying justice — victims, justice and the grain of the universe. *Justice Reflections* 10(69), 1–19. Reprinted from *Australian Theological Review* May 2005.
- Millham, S., R. Bullock, and P. Cherrett (1975). *After grace, teeth: a comparative study of residential experience of boys in approved schools*. London: Human Context.
- Neill, A. S. (1962). *Summerhill: a radical approach to education*. London: Victor Gollancz.
- Osterweis, M., F. Solomon, and M. Green (Eds.) (1984). *Bereavement: reactions, consequences and care*. Washington: National Academy Press.
- Parkes, C. M. (1998). *Bereavement: studies of grief in adult life* (Fourth ed.). Harmondsworth: Penguin.
- Prison Reform Trust (2009). *Bromley briefings: Prison Factfile*. London: Prison Reform Trust.
- Ramsbotham, D. (2005). Justice that restores. *Justice Reflections* 8(59), 1–7.
- Rankin, I. (2002, December). Ian Rankin's Evil Thoughts. Channel 4. 3 x 60 minute documentaries produced and directed by Tony Knox.

Bibliography

- Sanders, A. and R. Young (2007). *Criminal justice* (Third ed.). Oxford: Oxford University Press.
- Shapland, J., A. Atkinson, H. Atkinson, J. Dignan, L. Edwards, J. Hibbert, M. Howes, J. Johnstone, G. Robinson, and A. Sorsby (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Research Series 10/08. London: Ministry of Justice.
- Shaw, R. (2008). On being innocent: professional and other responses. *Justice Reflections* 17(127), 1–16.
- Sherman, L. W. and H. Strang (2007). *Restorative justice: the evidence*. London: Smith Institute.
- Smith, R., R. Grimshaw, R. Romeo, and M. Knapp (2007). *Poverty and disadvantage among prisoners' families*. York: Joseph Rowntree Foundation.
- Strang, H. (2002). *Repair or revenge: victims and restorative justice*. Oxford: Clarendon Press.
- Tannen, D. (1992). *You just don't understand*. London: Virago.
- Walby, S. and J. Allen (2004). *Domestic violence, sexual assault and stalking: findings from the British Crime Survey*. Home Office Research Study 276. London: Home Office Research, Development and Statistics Directorate.
- Wiener, A. and E. Wiener (1990). *Expanding the options in child placement*. Lanham MD: University Press of America.
- Williams, D. R. and M. J. Sternthal (2007, May). Spirituality, religion and health: evidence and research directions. *The Medical Journal of Australia* 186(10), S47–S50.

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