

The Therapeutic Role of Forgiveness in Restorative Justice

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Abstract

The criminal justice system does not currently emphasize the role of forgiveness in the application of justice. Criminal justice procedures and practices have been dominated by the punitive preference of the state, whose interest is traditionally hinged on deterrence, incapacitation, and retributive justice. The purpose of this research is to draw upon contemporary empirical data and restorative practices dialogues within criminal justice procedures and other process-based forgiveness interventions models to examine how forgiveness espouse therapeutic outcomes. Current study used content cum secondary analyses and qualitative method to explore the linkages between the idea of restorative justice dialogue and other existing scholarships in other fields of endeavor. The result shows that forgiveness plays a therapeutic role in the emotional and social well-being of individuals and communities that are victimized by crime. By incorporating restorative justice processes in the criminal justice system, a psychotherapeutic pathway is created at the individual level which makes restorative justice a viable alternative to other procedures and practices.

Keyword: Therapeutic, forgiveness, restorative justice, interventions, victim, offender

Introduction

The criminal justice system does not currently emphasize much of the role of forgiveness in the application of justice. Criminal justice procedures and practices have been dominated by the punitive preference of the state, whose interest is traditionally hinged on deterrence, incapacitation, and retributive justice. Given this, the contemporary American criminal justice system has assumed an industry where plea bargaining can be churned out and cases hurried to disposition to reduce costs, thus taking away time in courts for the defendants and plaintiffs (Bierschback & Bibas, 2004; Hoffman, 2000). At the same time, the state imposes punishment in the name of justice by incapacitating those who contravene the law in an effort to deter criminals and potential criminals.

Restorative justice represents a new approach in conflict resolution within and outside the criminal justice process. This is a unique framework for understanding and responding to crime to the extent that opportunity is created to balance the rights and interests of crime victims, offenders, and the community (Umbreit, 2001). Restorative justice offers an avenue to respect the victim, who has been neglected in the traditional criminal justice system, while the offender is held accountable and community responds by integrating all involved. Restorative justice strikes a balance between law and order in the democratic setting, unlike retributive justice, where state is both victim and judge (Hoffman, 2000).

In criminal justice in general, tension oftentimes surrounds the issue of forgiveness in restorative justice. For instance, Umbreit (2001) argued that it should not be used in the restorative justice setting, reasoning that it has to be avoided in order not to create undue pressure or unrealistic expectations for participants. These controversies are noted; however, in order to have direction in the current study's discourse, the explanation of forgiveness was advanced as overcoming one's resentment over an offense or injury (both emotional or physical) inflicted upon by an offender (Murphy, 1991; Bibas, 2007).

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Restorative justice dialogue offers a platform for forgiveness to take place; in addition, forgiveness must be voluntarily given by the victim (Gehm, 1992; Peachey, 1992). It is on this level of restorative justice that forgiveness contributes to the well-being of both the offender (Zehr, 1985) and victim, as previously stated. It frees the victim from the negative power of the crime (Zehr, 1985), while reassuring the offender of his or her status as a human being (Biema, 1999); facilitating the reintegration of the offender to the community (Cragg, 1992); bringing back tranquility to the victim (Strokkom, 2002); and contributing to mental and physical health (Freedman, 1996; Witvliet et al., 2001). Moreover, forgiveness has not received wider acclamation in the criminal justice system despite the many positive roles it plays. As such, it has not received attention as much as victim satisfaction, reduction of fear, or sense of fairness (Armour & Umbreit, 2004).

However, forgiveness is not the goal of restorative justice, but it occurs as a byproduct of the process, which could enable healing (Armour & Umbreit, 2004; Wachtel, 2013). Thus, restorative justice practices offer an opportunity for integrating victim forgiveness within the criminal justice system. Forgiveness and reconciliation are necessary philosophical goals within restorative practice. Little attention has been paid to them in the past, but there is a current trend to define or evaluate how these ideas function in various settings (Armour & Umbreit, 2004).

The purpose of this research is to draw upon contemporary empirical data and restorative practices dialogues within criminal justice procedures and other process-based forgiveness interventions models to examine how forgiveness espouse therapeutic outcomes. Current study will use content *cum* secondary analyses and qualitative method to explore the linkages between the idea of restorative justice dialogue and other existing scholarships in other fields of endeavor. Hence, this study will draw out and emphasize the healing inherent in forgiveness that results from restorative justice dialogue and other forgiveness intervention processes.

Literature review

There is paucity of applied studies of forgiveness in restorative justice dialogue (Worthington, 2004 as cited in Armour & Umbreit, 2004). Some outcome and intervention studies have dwelt much on participant satisfaction (e.g. Umbreit, Coates, & Vos, in review as cited in Armour & Umbreit, 2004) or recidivism (Nugent, Umbreit, Wiinamaki and Paddock, 2003) rather than forgiveness as a predictor of change. Not much is known empirically if restorative justice dialogue realizes its full potential (Strang, 2002). The findings have shown from clinical and experimental studies as well some theoretical foundations; that there exist relationship between forgiveness-related constructs (e.g. apology, remorse, reduced anger & empathy) and victim forgiveness (McCullough, Worthington, & Rachal, 1997; McCullough et al, 1998) and forgiveness and justice (Exline & Bausmeister, 2000; Worthington, 2000).

The outcomes studies have been carried out in family group conferencing in Australia which treats the issue of forgiveness and changes in victim's perception of the offender in major and minor crimes (Strang, 2002) and VOMD (Victim Offender Mediated Dialogue) in Ohio and Texas (Umbreit et al, 2003). The issue of satisfaction in VOM (Victim Offender Mediation) was shown in some programs in North America and Europe which has some data on forgiveness constructs which can set tone for healing (Umbreit, Coates, & Vos, 2002).

There are some studies which propose the use of forgiveness as a therapeutic option in treating individual relation and marital distress (Murray, 2002). The studies present a brief account of contemporary theories and models. The findings show that from the empirical studies on forgiveness employed in different relational context like anger, blame, guilt and infidelity; forgiveness provided a positive impact namely healing and reduced anger (Murray, 2002). Some authors have examined the key process and outcome of a pilot adult restorative justice program conducted in one Australian state (Halsey, Goldsmith & Bamford, 2015). This focused mainly on the methods used to find out expressions that have contrition and forgiveness content in various conference setting. The studies concluded that there is substantive potential for restorative justice to play an important role in adult contexts (Halsey et al, 2015).

In addition, there is agreement among scholars who study forgiveness that it is fraught with methodological, analytic and conceptual difficulties (Flanigan, 1998; Armour & Umbreit, 2004; Enright & North, 1998). Since the concept of forgiveness is generally misunderstood (Umbreit, 2001, Lundahl et al, 2008); there exist also, misunderstandings in the motive to forgive, the benefits from forgiving, and the end product of forgiveness process. In the past twenty years, scientific investigation has endeavored to clarify some of these misunderstandings (Enright, 2001; Sells & Hargrave, 1998; Wade & Worthington, 2005).

For example, it was concluded that the motive to forgive improved mental health and psychological well-being; while inability to forgive can bring untold health problems (Enright & North, 1998). But, as scientific progress is noted for a transition from static to dynamic views of phenomena (Boker & Nesselrode, 2002); perhaps, “because thinking about how system change allows scientist to develop models that predict larger proportions of a system’s possible states. Many scientists are expanding the theoretical reach of the social sciences by explicitly considering how we can model change in human system...” (McCullough & Root, 2005, p.105). Forgiveness enterprise is gradually going in this direction preferably not only to study the therapeutic role forgiveness plays in restorative justice but in criminal justice in general (Armour & Umbreit, 2004).

There are reviews of some theoretical and empirical literatures which examine several models for studying forgiveness as a change (McCullough & Root, 2005, Murray, 2002; Lundahl, Taylor, & Roberts, 2008). In light of this, there is a meta-analytic review where some scholars did process-based interventions; to investigate the impact of forgiveness interventions designed to assist individuals who may have been victims of betrayals, offenses, or victimization. The result shows that the individual who received forgiveness intervention forgave more (Lundahl et al, 2008). This allows clients involved to move past the emotional betrayal and create an avenue to have better self-image, improved emotional functioning, enhanced interpersonal interactions and healing (Lundahl et al, 2008; Wade & Worthington, 2005).

Further, some body of literature (Baskin & Enright, 2004; Wade & Worthington (2005) have proffered detail summary of two models of forgiveness intervention: a process model of forgiveness and decision model of forgiveness in a bid to study forgiveness outcomes. In the process models, the people who take part in the program are encouraged to go through some stages that will eventually help them to jettison their emotional hurt and forgive. Enright and Human Development Study Group came up with a model that has 20 separate units within four stages (Enright, 2001). In decision model, participants are encouraged to deem forgiveness as an active response to the affront or insult accruing from the crime of the offender, and encouraged to choose forgiveness and to strive after commitment to forgive (Lundahl et al., 2008). The two models; as argued by Lundahl and colleagues (2008), are similar on the level of encouraging the participants to choose forgiveness as an option. Both encourage ‘process and deciding’, yet, they differ in some areas. Process-based model allows more time for an individual or a group to consider more other options in depth. But, Baskin and Enright researched further on meta-analysis in 2004 which centered on relative efficacy of decision-based models versus process-based models. In this meta-analysis, the findings show that nine items were on forgiveness intervention studies: five items used in examining decision-based forgiveness programs were ineffective compared to four studies that investigated process-based models which promoted forgiveness and emotional well-being (Lundahl et al, 2008). In the current study, later findings on meta-analysis of Baskin and Enright will be used directly or indirectly (2004) to study forgiveness interventions since process-based proves more effective. So, this study will use Baskin and Enright (2004) process-based with moderate sample analysis to understand factors in restorative justice dialogues that can successfully predict outcomes from forgiveness programs. Therefore, current study will address two research questions:

1. How effective the role forgiveness plays in restorative justice dialogues using forgiveness interventions.
2. To what degree do forgiveness interventions espouse therapeutic outcomes?

Method

There are two ways in this study to identify forgiveness intervention studies. Primarily, some articles in reference section of Baskin and Enright’s (2004) meta-analysis were used. Secondly, computer searches were used in more general term like *forgive or forgiveness, forgiveness and restorative justice* in following database: PsychInfo, ERIC, MEDLINE, Restorative Justice & Peacemaking, Psychology and Behavioral Science Collections. This yielded about 1079 abstracts, and some were reviewed for inclusion (Lundahl et al., 2008). Of all, 49 articles have information about forgiveness interventions and restorative justice dialogues but they were further narrowed to 16 and finally 5. The journal articles that were included in this study met the following five criteria which, (a) employed an intervention that espoused forgiveness as a means to enhance functioning following physical and emotional injuries; hence, examined forgiveness as a construct, basic research on forgiveness, (b) included face to face sessions, (c) reported somewhat in statistics, (d) included at least five participants each in the treatment and comparison group, and (e) were published in peer-reviewed journal. The assumption to this rests on the fact peer review journal articles ensure some level of quality (Lundahl et al., 2008)

Dependent variables

Similar dependent variables were gotten from forgiveness interventions and restorative justice dialogues and six outcomes were visible: (a) increased forgiveness or willingness to forgive, (b) decreased negative effects, (c) increased positive effect, (d) improved self-esteem, (e) improved relationships with offenders, and (f) enhanced physical health (e.g., Blood pressure)(Lundahl et al.,2008).

Forgiveness. Accepted that the notion of forgiveness generate a lot of debate (Enright,2001); but, it is not :pardoning the offender, relaxing demands for justice through socially sanctioned channels, condoning the offender, or seeking reconciliation (Freedman & Enright,1996). Rather, “forgiveness is changing emotions, cognitions, and behaviors associated with the offense or the offender to allow victims to move beyond the insult. Forgiveness is believed to result in reductions in negative emotions such as hatred, bitterness, anger, resentment, guilt, and revenge desires” (Lundahl et al, 2008, p.4).

Independent variables

The change in outcomes from forgiveness interventions, partly result from participant and program characteristics. This could be a guide to treatment decisions if there is consciousness on the part of the participants to understand to some level, how nature of forgiveness intervention can affect outcomes. In this direction, five characteristics of the participants were coded such as; distress level, before entering the treatment, participant age and college status, the time limit of the offense for which participant sought interventions and some percentage of the sample could be people from minorities (Lundahl et al, 2008)

Results

Sixteen studies met the criteria enumerated above for inclusion. Many of the studies were eliminated because of lack of time and want of space. Therefore, to provide more adroit body of knowledge on the effective of forgiveness intervention program about five studies were briefly analyzed in qualitative method style.

Qualitative Summary

Coyle and Enright (1997): Forgiveness intervention with post abortion men. The people who participated were 10 men who voluntarily identified as being troubled on account of supporting their partner to have abortions. They were put on 12 weekly individual therapies having been randomly assigned to experimental condition. The treatment comprises of manualized therapy utilizing a process forgiveness model. The dependent variables were forgiveness, anger, anxiety, and grief. Those who participated in the experiment demonstrated significant corresponding gains to the control group and the gains consolidates in three months check.

Freedman and Knupp (2003): The impact of forgiveness on adolescent adjustment to parental divorce. In this study, 10 adolescents who participated had issue of parental divorce. The purpose of the treatment was centered on forgiveness of parental hurt in relation with divorce. There was pretest/posttest with no-treatment control. This intervention comprises of group meeting which span over a time, and was interpreted in light of Enright and Human Development study Group (1991) with 20 unit forgiveness model. There are no significant differences between group seen for forgiveness, state anxiety, depression, and self-esteem given that the all scores were aligned with in expected direction.

Harris et al. (2006): Effects of a group forgiveness intervention on forgiveness, perceived stress, and trait-anger. About 259 adults participated in the study; may have experienced interpersonal hurt. The participants were called up through community advertisement in San Francisco Bay Area. They were randomly assigned for approximately 6-week cognitive-behavior-based forgiveness intervention or to a no-treatment control. There were 90 minutes group training sessions. The groups were comprised of 8-12 people in a group. There was 6-week follow up and 4 months post treatment follow up. In this study, the dependent variables were thoughts and emotions as concerns the offense, fidelity to real actions as it relates to forgiveness, stress, and anger. The people who received the treatment reduced negative thoughts, increased positive feeling and more willing to forgive more than the comparison group.

*Strang, (2002): Restorative justice (Victim Offender Mediation, VOM) intervention to address forgiveness and changes in victim attitude to offender.*This study is known as RISE, Reintegrative Shaming Experiments project in Canberra, Australia. The victims were randomly assigned from 275 offenders to court or diversionary restorative justice conference for violent crimes (n=100) and property crimes (n=175) (Strang, 2002, Armour & Umbreit, 2004).

The response of the victim was 89% and those who actually participated in restorative justice conference who indicated they have forgiven their offenders are 39% of the cases. About 36% signaled that their intention in the conference was to help the offenders. There were significant differences in reduction of some variables like anger (63% vs 29%), sympathy for the offender (48% vs 19%), incidence of apology (72% vs 19%), sincerity of apology (77% vs 41%) and effect of the intervention on closure (60% vs 20%) between conference and court victims (Strang, 2002).

Umbreit and colleagues (2003): Victim offender Mediated Dialogue VOMD, a restorative justice intervention mechanism leading to the emotions of empathy and remorse. This study was conducted post VOMD interviews with the first 79 participant in Texas and Ohio. The victims share forgiveness (23%) and to benefit victims (95%) including helping victims heal (3.8%) and release anger (13%). Almost half of the people who participated spoke spontaneously of issues concerning forgiveness during the dialogue. Those victims who forgave prior to the dialogue were ten in number. About thirteen in number were not moved to forgive but, 80% of the total sample reported the dialogue was of positive effect. Though, forgiveness was not the goal of the dialogue but was worth considering in minds of victims and offenders.

Table 1 key Components of Forgiveness Studies

<u>Authors/date</u>	<u>Population</u>	<u>Issues</u>	<u>Number</u>	<u>Variables</u>
Coyle & Enright (1996)	Post abortion men	Partner's abortion	10	Forgiveness, anger, grief
Freedman & Knupp (2003)	Adolescents	Parental divorce	14	Interpersonal forgiveness
Harris et al. (2006)	Adults	Hurtful experience	115	Forgiveness, anger, stress
Strang (2002)	Young offenders	violent crime victims	272	Anger reduction, apology
Umbreit et al (2003)	Young offenders	Victims of crime	79	Forgiveness, heal, less anger

A summary of key study features in **Table 1**. The people who participated in the studies; met with the standard earlier on enumerated above. Their issues or problems vary among the forgiveness studies. The studies target some issues like divorce, abortion, victims of crime, hurtful experience etc. It has to be noted that participants in the studies were selected based on their experiences of physical and emotional injuries.

The above qualitative summary of meta-analysis of some process-based forgiveness interventions tried to respond appropriately the research questions raised above. According to Flanigan (1998), the body of knowledge about forgiving, ordinarily can be generated from three sources: conceptual treatises, qualitative research, and quantitative research. First limitation is difficulty of finding or forming representative sample of 'forgivers' as such qualitative researchers have to cope with this.

Some of the models mentioned in this study was not treated separately but was implicitly used in this study. Also, this study grappled on how best to have attended the issues raised in the , yet, there is still opening for more research on how best to deal with some of the outcomes, perhaps future quantitative research will take care of this. Above all, the paper is just an attempt to contribute and emphasize the therapeutic role of forgiveness in restorative justice.

Discussion and implication

Restorative justice dialogue and other forgiveness interventions offer a platform for forgiveness to take place; once again, forgiveness must be voluntarily given by the victim (Gehm, 1992; Peachey, 1992). It is on this level of restorative justice that forgiveness contributes to the well-being of both the offender (Zehr, 1985) and victim, as previously stated. It frees the victim from the negative power of the crime (Zehr, 1985), while reassuring the offender of his or her status as a human being (Biema, 1999); facilitating the reintegration of the offender to the community (Cragg, 1992); bringing back tranquility to the victim (Strokkom, 2002); and contributing to mental and physical health (Freedman, 1996; Witvliet et al., 2001). Forgiveness has not received wider acclamation in the criminal justice system, despite the many positive roles it plays; such as victim satisfaction, reduction of fear, or sense of fairness (Armour & Umbreit, 2004).

But, explicating and creating awareness the role forgiveness plays will increase the understanding of it in restorative justice. In addition, Armour and Umbreit (2004), stated that there are five dimensions of forgiveness in restorative justice namely: (a) Forgiveness frees the victim from negative power of crime,(b) Forgiveness is reinstatement of offenders as right citizens,(c) Forgiveness bring transforming experience for all involved ,(d) the facilitators maintain neutrality about forgiveness as an outcome and (e) forgiveness is constructive.

However, there is an ample body of knowledge on forgiveness based on theoretical formulations and experimental and clinical studies (Worthington, 1998; Coyle & Enright, 1997; McCullough & Worthington, 1995). The instrument for measuring forgiveness is gradually evolving. There is a need for applied research to test findings with relevant populations outside of the overused college student population and juvenile environment. This research gives impetus for more of these studies to be done in the real population outside school and juvenile environment. The findings in this kind of studies on forgiveness should be more of the interest of policy makers especially if there is a kind of similar trend across the countries, cities and states etc.

In restorative justice, the populations being used to examine formulations about forgiveness and forgiveness-related constructs offer an opportunity to examine it in the real world. Restorative justice advocates can examine these constructs in relation to specific crimes, as this will reduce measurement error due to variations in perceived severity, salience, and the transgressions that have recently appeared (Armour & Umbreit, 2004). Furthermore, effort must be directed to other groups that broaden the knowledge, instead of concentrating on how an individual is reacting to being forgiven. Thus, there is a need for more studies on how variables interact with the forgiver and the forgiving concurrently (Armour & Umbreit, 2004).

Conclusion

In this paper, both theories and findings were used from experimental and clinical studies to a real world of population of victim and offender participants in restorative justice programs for people who are hurt by injury or violent crimes. A combination of secondary and other valuable sources were used to gather information to examine how some changes in the program, such as satisfaction,remorse, reduced anger, apology; can set the tone for forgiveness and healing during and after the program. It offers the opportunity to see how and why people participate in restorative justice. More research must be done to examine the following: (a) the percentage of the victim participants that forgive offenders in restorative justice dialogue and the conditions that accompany forgiveness; (b) the post mediation outcomes for victims who forgive, intend to forgive, are open to forgiving, or do not want to forgive before the dialogue; and (c) what event occurs during the dialogue to generate dialogue or pose obstacles to forgiveness.

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